

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/CS/HB 383	COMPANION BILL: CS/SB 490 (Collins)
TITLE: Purchase and Possession of Firearms by Law Enforcement Officers, Correctional Officers, Correctional Probation Officers, and Servicemembers	LINKED BILLS: None
SPONSOR(S): Holcomb and Giallombardo	RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 111 Y's 0 N's **GOVERNOR'S ACTION:** Pending

SUMMARY

Effect of the Bill:

The bill defines a "holder of a concealed weapons or concealed firearms license" to include law enforcement officers, correctional officers, correctional probation officers, and servicemembers and thus exempts such officers and servicemembers from the mandatory three-day waiting period between the retail purchase and delivery of a firearm. As such, under the bill, a law enforcement officer, correctional officer, correctional probation officer, or servicemember is authorized to take immediate possession of a firearm purchased at retail following successful completion of a background check in the same manner as a person who holds a concealed weapons or concealed firearms license, and in the same manner as such officers and servicemembers are currently authorized to take immediate possession of a rifle or shotgun.

The bill makes several changes relating to a correctional probation officer's (CPO) authority to carry a concealed firearm, including:

- Authorizing a CPO to carry a concealed firearm off-duty at the discretion of his or her superior officer.
- Specifying that, for purposes of the "Law Enforcement Officers Safety Act," a CPO and a CPO who separated from active service under certain conditions meet the definition of a "qualified law enforcement officer."
- Requiring the Department of Corrections, if it authorizes correctional officers or CPOs to carry concealed firearms while off-duty, to file a statement with the instructions and requirements for carrying such a firearm.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

The bill exempts law enforcement officers, correctional officers, correctional probation officers, and servicemembers from the [mandatory waiting period](#) between the purchase and delivery of a firearm by defining a "holder of a concealed weapons or concealed firearms license" to include:

- A person who holds a valid license issued under [s. 790.06, F.S.](#)
- [Law enforcement officers, correctional officers, and correctional probation officers](#) as those terms are defined in [s. 943.10\(1\), \(2\), \(3\), \(6\), \(7\), \(8\), or \(9\) F.S.](#)
- Servicemembers as defined in [s. 250.01, F.S.](#)

As such, a law enforcement officer, correctional officer, correctional probation officer, or servicemember who purchases a firearm at retail from a [federal firearms licensee](#) may, following the successful completion of a background check, take immediate possession of a firearm, including a handgun, in the same manner as a person who holds a concealed weapons or concealed firearms license, and in the same manner as such officers and servicemembers are currently authorized to take immediate possession of a rifle or shotgun. (Section [2](#))

STORAGE NAME: h0383z

DATE: 5/6/2025

The bill authorizes a correctional probation officer who holds an active certification from the [Criminal Justice Standards and Training Commission](#) (CJSTC) to carry a concealed firearm while off-duty at the discretion of his or her superior officer, and to perform law enforcement functions that he or she would normally perform while on-duty, utilizing his or her firearm in a manner which is reasonably expected of an on-duty officer. The bill requires the Department of Corrections (DOC), if it chooses to authorize a correctional officer or correctional probation officer to carry a firearm while off-duty, to file a statement containing the instructions and requirements for such officers to carry firearms. The bill specifies that a correctional probation officer's appointing or employing agency (i.e. DOC) is not limited in its authority to establish policies limiting a correctional probation officer from carrying a concealed firearm during off-duty hours in his or her capacity as an appointee or employee of DOC. (Section [1](#))

The bill specifies that, for purposes of the Federal "[Law Enforcement Officers Safety Act](#)," a correctional probation officer who:

- Holds an active certification from the CJSTC meets the definition of a "qualified law enforcement officer."
- Held an active certification from the CJSTC but who has separated from service under specified conditions meets the definition of a "qualified law enforcement officer." (Section [1](#))

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2025. (Section [3](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Purchase and Sale of Firearms

Federal Firearms Licensee

A person may not engage in the business of importing, manufacturing, or dealing in firearms unless he or she is licensed by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).¹ A federal firearms licensee (FFL) must comply with both state and Federal law when selling a firearm.² Thus, if a state imposes requirements for the purchase or possession of a firearm which are *greater* than Federal law, such as requiring a mandatory waiting period between the purchase and delivery of a firearm, an FFL may not sell or deliver a firearm to a prospective purchaser unless he or she satisfies the more restrictive state requirements. If a state imposes requirements on the purchase or possession of a firearm that are less restrictive than Federal law, Federal law applies. In sum, Federal law relating to the purchase and sale of a firearm acts as the "floor," but states may impose more restrictive requirements if they choose to do so.

Private Transaction

A person may also purchase a firearm through a private transaction (i.e. purchasing a firearm from a person who is a private citizen and *not* an FFL). Many of the requirements that apply to the sale of a firearm by an FFL do not apply to a private transaction. A seller in a private transaction is not explicitly required to complete a background check,³ verify a purchaser's age,⁴ or comply with any mandatory waiting periods prior to transferring a firearm to a purchaser.

Mandatory Waiting Period

Federal Law

Federal law does *not* require a minimum waiting period between the purchase and delivery of a firearm from an FFL. Under Federal law, an FFL may transfer a firearm to a purchaser as soon as he or she successfully completes a background check.⁵

Florida Law

Florida Constitution

¹ 18 U.S.C. § 922(a)(1)(A).

² 18 U.S.C. §922(b)(2).

³ A private seller may not sell or dispose of a firearm to any person who the seller knows, or has reasonable cause to know, is prohibited from purchasing a firearm due to his or her prior criminal history, immigration status, or mental condition. 18 U.S.C. § 922.

⁴ A private seller is prohibited from selling, delivering, or otherwise transferring a handgun to a person who the transferor knows or has reasonable cause to believe is under 18 years of age. 18 U.S.C. §922(x)(1)(A).

⁵ 18 U.S.C. § 922(t)(1).

[Article I, section 8\(b\)](#) of the Florida Constitution requires a mandatory waiting period of three days, excluding weekends and legal holidays, between the purchase⁶ and delivery at retail of any handgun.⁷ The mandatory waiting period does *not* apply if the purchaser of a handgun holds a concealed weapons license or if the transaction involves the trade in of a handgun.⁸ The Florida Constitution does *not* require a mandatory waiting period for the retail purchase of a long gun, such as a rifle or shotgun.

Additionally, [article VIII, section 5\(b\)](#) of the Florida Constitution authorizes each county to require a criminal history records check and a three to five day waiting period, excluding weekends and legal holidays, in connection with the sale of any firearm occurring within such county. For purposes of this section, the term “sale” means the transfer of money or other valuable consideration for any firearm when any part of the transaction is conducted on property to which the public has the right of access.⁹ A person who holds a concealed weapons license is *not* subject to such a mandatory waiting period imposed by a county.¹⁰

Florida Statute

Section [790.0655, F.S.](#), requires a mandatory waiting period between the retail purchase¹¹ and delivery of a firearm¹² from an FFL of at least three days, excluding weekends and legal holidays, or until the completion of a background check, whichever occurs later. The three-day waiting period does not apply:

- When a firearm is being purchased by a holder of a concealed weapons or concealed firearms license issued under [s. 790.06, F.S.](#);
- To a trade-in of another firearm;
- To the purchase of a rifle or shotgun, if a person:
 - Successfully completes a 16 hour hunter safety course and possesses a hunter safety certification card issued under [s. 379.3581, F.S.](#), or
 - Is exempt from the hunter safety course requirements under [s. 379.3581, F.S.](#), and holds a valid Florida hunting license; or
- When a *rifle or shotgun* is being purchased by a law enforcement officer or correctional officer, as those terms are defined in [s. 943.10\(1\), \(2\), \(3\), \(6\), \(7\), \(8\), or \(9\), F.S.](#),¹³ or a servicemember¹⁴ as defined in [s. 250.01, F.S.](#)¹⁵

Under [s. 790.0655, F.S.](#), it is a third degree felony:¹⁶

- For any retailer,¹⁷ or any employee or agent of a retailer, to deliver a firearm before the expiration of the waiting period, subject to the statutory exceptions; or
- For a purchaser to obtain delivery of a firearm by fraud, false pretense, or false representation.¹⁸

⁶ “Purchase” means the transfer of money or other valuable consideration to the retailer. [Art. I, s. 8\(b\), Fla. Const.](#)

⁷ “Handgun” means a firearm capable of being carried and used by one hand, such as a pistol or revolver. *Id.*

⁸ [Art. I, s. 8\(b\) and \(d\), Fla. Const.](#)

⁹ [Art. VIII, s. 5\(b\), Fla. Const.](#) Counties that have imposed a mandatory five-day waiting period include: Alachua, Broward, Hillsborough, Miami-Dade, and Palm Beach. Bureau of Alcohol, Tobacco, and Firearms, *Florida 35th Edition of State Laws*, <https://www.atf.gov/firearms/docs/guide/florida-firearms-statutes-and-codes/download> (last visited Apr. 28, 2025).

¹⁰ *Id.*

¹¹ “Purchase” means the transfer of money or other valuable consideration to the retailer. [S. 790.0655\(1\)\(a\), F.S.](#)

¹² “Firearm” means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime. [S. 790.001\(9\), F.S.](#)

¹³ The term “law enforcement or correctional officer” includes a correctional probation officer under [s. 943.10\(3\), F.S.](#) *Infra*, note 21.

¹⁴ “Servicemember” means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces. [S. 250.01, F.S.](#)

¹⁵ [S. 790.0655\(2\), F.S.](#)

¹⁶ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.](#)

¹⁷ “Retailer” means and includes a licensed importer, licensed manufacturer, or licensed dealer engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as defined in [s. 212.02\(13\), F.S.](#)

¹⁸ [S. 790.0655\(3\), F.S.](#)

Law Enforcement Officers, Correctional Officers, and Correctional Probation Officers

For purposes of the exemption from the mandatory waiting period for the purchase of a rifle or shotgun in [s. 790.0655, F.S.](#), the term “law enforcement officer or correctional officer” includes an officer who meets any of the following definitions, including a:

- “Law enforcement officer,” which means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to [s. 354.01, F.S.](#)¹⁹
- “Correctional officer,” which means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel.²⁰
- “Correctional probation officer,” which means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.²¹
- “Part-time law enforcement officer,” which means any person employed or appointed less than full time, as defined by an employing agency, with or without compensation, who is vested with authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.²²
- “Part-time correctional officer,” which means any person who is employed or appointed less than full time, as defined by the employing or appointing agency, with or without compensation, whose responsibilities include the supervision, protection, care, custody, and control of inmates within a correctional institution.²³
- “Auxiliary law enforcement officer,” which means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time or part-time law enforcement officer, has the authority to arrest and perform law enforcement functions.²⁴
- “Auxiliary correctional officer,” which means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility.²⁵

Firearm Training Requirements

The Criminal Justice Standards and Training Commission (CJSTC) within the Florida Department of Law Enforcement is responsible for certifying law enforcement officers and correctional officers and establishing

¹⁹ [S. 943.10\(1\), F.S.](#)

²⁰ [S. 943.10\(2\), F.S.](#)

²¹ [S. 943.10\(3\), F.S.](#)

²² [S. 943.10\(6\), F.S.](#)

²³ [S. 943.10\(7\), F.S.](#)

²⁴ [S. 943.10\(8\), F.S.](#)

²⁵ [S. 943.10\(9\), F.S.](#)

uniform minimum training standards for such officers, including firearm proficiency.²⁶ Under [r.11B-35.0024, F.A.C.](#), a student enrolled in an officer basic recruit training program must complete a written examination and demonstrate proficiency with a semi-automatic pistol to be certified. Upon initial certification, a law enforcement officer is required to demonstrate his or her proficiency with a firearm once every two years thereafter.²⁷ Correctional officers are required to complete scenario-based firearms training as part of the four-year continuing education training that is required to maintain active certification under [s. 943.135, F.S.](#)²⁸

Carrying a Concealed Weapon or Concealed Firearm

Generally, a person is authorized to carry a concealed weapon²⁹ or concealed firearm³⁰ under [s. 790.01, F.S.](#), if he or she:

- Has a concealed weapons or concealed firearm license (CWL) issued under [s. 790.06, F.S.](#); or
- Does not have a CWL, but otherwise satisfies the criteria for receiving and maintaining a CWL, except that such person is not required to demonstrate competency with a firearm or affirmatively state he or she desires a legal means to carry a concealed weapon or concealed firearm for lawful self-defense.

A person who unlawfully carries a concealed weapon or electric weapon or device³¹ commits a first degree misdemeanor.³² A person who unlawfully carries a concealed firearm commits a third degree felony.³³

Carrying a Concealed Weapon or Concealed Firearm – Law Enforcement Officers and Correctional Officers

Law enforcement officers are exempt from the licensing and penal provisions of ch. 790, F.S., when acting at any time within the scope or course of their official duties or when acting at any time in the line of or performance of duty.³⁴ As used generally in ch. 790, F.S., the term “law enforcement officer” includes the following:

- All officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, who have authority to make arrests.
- Officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, duly authorized to carry a concealed weapon.
- Members of the Armed Forces of the United States, the organized reserves, state militia, or Florida National Guard, when on duty, when preparing themselves for, or going to or from, military duty, or under orders.
- An employee of the state prisons or correctional systems who has been so designated by the Department of Corrections or by a warden of an institution.
- All peace officers.
- All state attorneys and United States attorneys and their respective assistants and investigators.³⁵

Carrying a Concealed Weapon or Concealed Firearm While Off-Duty – Law Enforcement Officers and Correctional Officers

When a law enforcement officer or correctional officer is *not* on duty, he or she is authorized to carry a concealed weapon or concealed firearm under several provisions of state and Federal law. To carry a concealed weapon or

²⁶ [Ss. 943.11](#) and [943.12, F.S.](#)

²⁷ [R. 11B-27.00212\(14\), F.A.C.](#)

²⁸ [R. 11B-27.00212\(13\), F.A.C.](#)

²⁹ “Concealed weapon” means any dirk, metallic knuckles, billie, tear gas gun, chemical weapon or device, or other deadly weapon carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person. [S. 790.001\(4\)\(a\), F.S.](#)

³⁰ “Concealed firearm” means any firearm, as defined in [s. 790.001\(9\), F.S.](#), which is carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another person. [S. 790.001\(3\), F.S.](#)

³¹ “Electric weapon or device” means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury. [S. 790.001\(7\), F.S.](#)

³² [S. 790.01\(2\), F.S.](#) A first degree misdemeanor is punishable by one year in a jail and a \$1,000 fine. [Ss. 775.082](#) or [775.083, F.S.](#)

³³ [S. 790.01\(3\), F.S.](#) A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

³⁴ [S. 790.051, F.S.](#)

³⁵ [S. 790.001\(12\), F.S.](#)

concealed firearm when he or she is off-duty, a law enforcement officer or correctional officer³⁶ must either meet the general CWL requirements or be otherwise authorized to carry a concealed weapon or concealed firearm without a license, or hold an active certification from the [Criminal Justice Standards and Training Commission](#)³⁷ (CJSTC), and satisfy one of the following definitions:

- “Law enforcement officer,” meaning a person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to [s. 354.01, F.S.](#)³⁸
- “Correctional officer,” meaning any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution, but does not include any secretarial, clerical, or professionally trained personnel.

An off-duty law enforcement officer or correctional officer may carry a concealed weapon or concealed firearm:

- Under an exemption to CWL licensing requirements.³⁹
- With a valid CWL.⁴⁰
- Without a CWL, if he or she satisfies the criteria for receiving and maintaining a CWL.⁴¹
- Under [s. 790.052, F.S.](#), which authorizes a law enforcement officer or correctional officer to carry a concealed firearm during off-duty hours, at the discretion of his or her superior officer, and authorizes such an officer to perform law enforcement functions that he or she normally performs during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers in similar situations.
- Under the Federal “[Law Enforcement Officers Safety Act](#),” which authorizes a “qualified law enforcement officer”⁴² to carry a concealed firearm in any state, subject to state laws that restrict locations where a concealed firearm may be carried.⁴³

³⁶ A part-time law enforcement officer, auxiliary law enforcement officer, part-time correctional officer, and auxiliary correctional officer are also eligible to carry a concealed firearm while off-duty with the approval of his or her superior officer. [S. 790.052, F.S.](#)

³⁷ The CJSTC is responsible for establishing uniform minimum standards for the employment of law enforcement officers, correctional officers, and correctional probation officers and certifying that such officers meet the specified minimum standards for employment. Florida Department of Law Enforcement, *Criminal Justice Standards & Training Commission (CJSTC)*, <http://www.fdle.state.fl.us/CJSTC/Commission.aspx> (last visited Apr. 28, 2025).

³⁸ [S. 943.10\(1\), F.S.](#)

³⁹ [S. 790.06\(5\)\(b\), F.S.](#)

⁴⁰ [S. 790.06\(5\)\(b\), F.S.](#) Although a law enforcement officer and a correctional officer are exempt from CWL licensing requirements, an officer may receive a CWL if he or she chooses. In such circumstances, a law enforcement officer or correctional officer is exempt from the background investigation and background check fees, but must pay the license fee for nonexempt applicants. *Id.*

⁴¹ [S. 790.01\(1\), F.S.](#)

⁴² A “qualified law enforcement officer” means an employee of a governmental agency who:

- Is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest or apprehension under [10 U.S.C. §807\(b\)](#);
- Is authorized by the agency to carry a firearm;
- Is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;
- Meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- Is not prohibited by Federal law from receiving a firearm.

[18 U.S.C. §926B](#)

⁴³ *Id.*

Carrying a Concealed Weapon or Concealed Firearm While Off-Duty – Correctional Probation Officers

When a correctional probation officer is *not* on duty, he or she is authorized to carry a concealed weapon or concealed firearm under provisions of state law, but such authorization is more limited than that which is provided to a law enforcement officer or correctional officer. To carry a concealed weapon or a concealed firearm when he or she is off-duty, a correctional probation officer must either meet the general CWL requirements or be otherwise authorized to carry a concealed weapon or concealed firearm without a license, or qualify for the exemption to CWL licensing requirements by holding an active certification from the CJSTC, and satisfying the definition of “correctional probation officer” in [s. 943.10\(3\), F.S.](#), which means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.⁴⁴

A correctional probation officer who is *not* on-duty may carry a concealed weapon or concealed firearm:

- Under an exemption to CWL licensing requirements.⁴⁵
- With a valid CWL.⁴⁶
- Without a CWL, if he or she satisfies the criteria for receiving and maintaining a CWL.⁴⁷

However, a correctional probation officer is currently *not* eligible to carry a concealed firearm:

- While off-duty, with the approval of his or her superior officer under [s. 790.052, F.S.](#), in the same manner as a law enforcement officer or correctional officer.
- Under the Federal “Law Enforcement Officers Safety Act.”

⁴⁴ [S. 943.10\(3\), F.S.](#)

⁴⁵ [S. 790.06\(5\)\(b\), F.S.](#)

⁴⁶ [S. 790.06\(5\)\(b\), F.S.](#) Although a correctional probation officer is exempt from CWL licensing requirements, an officer may receive a CWL if he or she chooses. In such circumstances, a correctional probation officer is exempt from the background investigation and background check fees, but must pay the license fee for nonexempt applicants. *Id.*

⁴⁷ [S. 790.01\(1\), F.S.](#)