**The Florida Senate**

# BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

| | |
|---|---|
| BILL: | CS/SB 490 |
| INTRODUCER: | Criminal Justice Committee and Senator Collins |
| SUBJECT: | Concealed Carry Licensing Requirements for Law Enforcement Officers, Correctional Officers, Correctional Probation Officers, and Military Servicemembers |
| DATE: | April 21, 2025 |
| REVISED: | |

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | Cellon | Stokes | CJ | **Fav/CS** |
| 2. | Wiseheart | Betta | AEG | **Favorable** |
| 3. | Cellon | Siples | FP | **Pre-meeting** |

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

## I. Summary:

CS/SB 490 amends s. 790.052, F.S., to provide that certain correctional probation officers have the right to carry concealed firearms during off-duty hours at the discretion of their superior officers, and perform their normal law enforcement function, using their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

Additionally, the bill provides that correctional probation officers meet to the definition of "qualified law enforcement officer," and the definition of "qualified retired law enforcement officer."

The superior officer of the Department of Corrections can direct the officers under his or her supervision to carry concealed firearms while off duty, if he or she files a statement with the governing body containing instructions and requirements relating to the carrying of said firearms.

The bill amends s. 790.0655, F.S., to define "holder of a concealed weapons or concealed firearms license" for purposes of the three-day wait section. A holder of a concealed weapons or concealed firearms license includes, a person who holds a valid license issued under

s. 790.06. F.S., a law enforcement officer, a correctional officer, a correctional probation officer, and a servicemember as defined in s. 250.01, F.S[1].

Under the bill a law enforcement officer, correctional officer, or correctional probation officer does not have to wait three days to take possession of a purchased firearm.

The bill does not impact state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

## II. Present Situation:

### Carrying a Concealed Weapon or Firearm With or Without a License

#### *The Licensure Requirements*

The Department of Agriculture and Consumer Services (DACS) is statutorily authorized to issue concealed weapon and concealed firearm licenses to applicants who qualify.[2] For purposes of the concealed carry licensure law, "concealed weapons or concealed firearms" means a handgun, electronic weapon or device, tear gas gun, knife, or billie, but not a machine gun.[3]

To obtain a concealed weapon or concealed firearm license, a person must complete, under oath, an application that includes:

- The name, address, place and date of birth, race, and occupation of the applicant;
- A full frontal view color photograph of the applicant which must be taken within the preceding 30 days;
- A statement that the applicant has been furnished with a copy of ch. 790, F.S., relating to weapon and firearms and is knowledgeable of its provisions;
- A warning that the application is executed under oath with penalties for falsifying or substituting false documents;
- A statement that the applicant desires a concealed weapon or firearm license as a means of lawful self-defense;
- A full set of fingerprints;
- Documented proof of completion of a firearm safety and training course; and
- A nonrefundable license fee.[4]

The DACS must issue the license to carry a concealed weapon or concealed firearm if all other requirements are met and the applicant:

[1] "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.
[2] Section 790.06(1), F.S.
[3] *Id.*
[4] Section 790.06,(4)-(5) F.S.

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government;[5]
- Is 21 years of age or older;[6]
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm pursuant to s. 790.23, F.S., by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired;[7]
- Desires a legal means to carry a concealed weapon or concealed firearm for lawful self-defense;
- Demonstrates competence with a firearm;
- Has not been adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state, unless five years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution under ch. 394, F.S., or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least five years prior to the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless three years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;
- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.[8]

Pursuant to s. 790.06(3), F.S., the DACS must deny the application if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless three years have elapsed

[5] Such consular security official must maintain diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country.
[6] Pursuant to s. 790.062, F.S., the DACS must issue a license to carry a concealed weapon or concealed firearm to a servicemember or veteran who does not meet the 21 years of age threshold if he or she is otherwise qualified.
[7] It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under ch. 397, F.S., or under the provisions of former ch. 396, F.S., or has been convicted under s. 790.151, F.S., or has been deemed a habitual offender under s. 856.011(3), F.S., or has had two or more convictions under s. 316.193, F.S., or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted. Section 790.06(2), F.S.
[8] Section 790.06(2), F.S.

since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged.[9]

The DACS must:

- Revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding three years.[10]
- Upon notification by a law enforcement agency, a court, or the FDLE and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case.[11]
- Suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.[12]

***Expedited Concealed Carry License Processing for Military, Law Enforcement License***

A servicemember[13] or a veteran[14] may request expedited processing of his or her application.[15] For expedited processing of an application:

- A servicemember must submit a copy of the Common Access Card, United States Uniformed Services Identification Card, or current deployment orders.
- A veteran must submit a copy of the DD Form 214, issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs.[16]

***Law Enforcement Exceptions to Licensure Requirement***

A person holding an active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer, correctional officer, or correctional probation officer is exempt from the licensing requirements of s. 790.06, F.S.[17] The officers are defined as:

- "Law enforcement officer"[18] 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

[9] Section 790.06(3), F.S.
[10] *Id.*
[11] *Id.*
[12] *Id.*
[13] "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.
[14] "Veteran" means" a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges. s. 1.01(14), F.S.
[15] Section 790.06(4)(f), F.S.
[16] Section 790.06(4)(f), F.S.
[17] Section 790.06(5)(b), F.S.
[18] Section 943.10(1), F.S.

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, and special officers employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S.

- "Correctional officer"[19] 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.
- "Correctional probation officer"[20] 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.
- "Part-time law enforcement officer"[21] 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.
- "Part-time correctional officer"[22] 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.
- "Auxiliary law enforcement officer"[23] 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.
- "Auxiliary correctional officer"[24] 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]

If such individual wishes to receive a concealed weapon or concealed firearm license, he or she is exempt from the background investigation and all background investigation fees but must pay

[19] Section 943.10(2), F.S.
[20] Section 943.10(3), F.S.
[21] Section 943.10(6), F.S.
[22] Section 943.10(7), F.S.
[23] Section 943.10(8), F.S.
[24] Section 943.10(9), F.S.
[25] Section 790.06(5)(b), F.S.

the current license fees regularly required to be paid by nonexempt applicants.[26] Further, a law enforcement officer, a correctional officer, or a correctional probation officer as defined in s. 943.10(1), (2), or (3), F.S. is exempt from the required fees and background investigation for one year after his or her retirement.[27]

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.[28]

***Carrying a Concealed Weapon or Concealed Firearm Without a License***

A person is authorized to carry a concealed weapon or concealed firearm[29] if he or she:
- Is licensed under s. 790.06, F.S.; or
- Is not licensed under s. 790.06, F.S., but otherwise satisfies the criteria for receiving and maintaining such a license.[30]

A person who carries a concealed weapon or concealed firearm without a license[31] must carry valid identification at all times when he or she is in actual possession of a concealed weapon or concealed firearm and must display such identification upon demand by a law enforcement officer.[32] The person must also abide by s. 790.06(12), F.S., in the same manner as a person who is licensed to carry a concealed weapon or concealed firearm.[33]

**Purchase of a Firearm from a Licensed Dealer**

A federally licensed firearm dealer may not sell or deliver from her or his inventory at her or his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until she or he has:
- Obtained a completed form from the potential buyer (transferee), which must include identifying information such as the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee; and
- Inspected proper identification including an identification containing a photograph of the potential buyer or transferee.[34]

These are the first steps in the firearm purchase process, followed by collecting a fee and initiating the background check.[35]

---

[26] Section 790.06(5)(b), F.S.
[27] Section 790.06(5)(b), F.S.
[28] Section 790.051, F.S.
[29] "Concealed weapon or firearm" as defined in s. 790.06, F.S. means a handgun, electric weapon or device, tear gas gun, knife, or billie, but does not include a machine gun as that term is defined in s. 790.001 , F.S.
[30] Section 790.06(2)(a)-(f) and (i)-(n), (3), and (10), F.S.
[31] Section 790.01(1)(b), F.S.
[32] Section 790.013, F.S.
[33] Section 790.06(12)(a), F.S., lists the locations where a person is not authorized to openly carry a handgun (defined in s. 790.001(10), F.S. as a firearm capable of being carried and used by one hand, such as a pistol or revolver) or carry a concealed weapon or concealed firearm.
[34] Section 790.065(1)(a)1., F.S.
[35] Section 790.065(1), F.S.

However, if the person purchasing, or receiving delivery of, the firearm is a holder of a valid concealed weapons or firearms license[36] or holds an active certification from the Criminal Justice Standards and Training Commission[37] as a "law enforcement officer[38]," a "correctional officer[39]," or a "correctional probation officer[40]", the federally licensed dealer is not required to collect the background check fee or run the background check before making the sale.[41]

***Three-Day Waiting Period***

A mandatory waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is three days, excluding weekends and legal holidays, or expires at the completion of the records checks required under s. 790.065, F.S., whichever occurs later.[42]

The 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.[43]

## III. Effect of Proposed Changes:

The bill amends s. 790.052(1)(a), F.S., to provide that correctional probation officers[44] holding active certifications from the Criminal Justice Standards and Training Commission[45] may carry concealed firearms during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers.

The bill amends s. 790.052(1)(b), F.S., to provide that correctional probation officers[46] holding active certifications from the Criminal Justice Standards and Training Commission[47] meet the definition of "qualified law enforcement officer," and "qualified retired law enforcement officer."

The superior officer of the Florida Department of Corrections, if he or she elects to direct the officers under his or her supervision to carry concealed firearms while off duty, must file a statement with the governing body of the department of his or her instructions and requirements relating to the carrying of the firearms.

---

[36] Section 790.06, F.S.
[37] Section 943.1395, F.S.
[38] Section 943.10(1), F.S.
[39] Section 943.10(2), F.S.
[40] Section 943.10(3), F.S.
[41] Section 790.065(1)(b), F.S.; *See also* "[T]he dealer must verify the transferee's identity by examining the identification document described in the transferee's statement. Thus, licensed firearms dealers are required to keep information about the identity of firearms buyers in their records." 18 U.S.C.A. 922(s)(3); and "After the transferee has executed the Form 4473, the licensee: (i) Shall verify the identity of the transferee by examining the identification document (as defined in § 478.11) presented, and shall note on the Form 4473 the type of identification used." 27 C.F.R .478.124 (c)(3)(i).
[42] Section 790.0655(1)(a), F.S.
[43] Section 790.0655(2)(a), F.S.
[44] Section 943.10(3), F.S.
[45] Section 943.1395, F.S.
[46] Section 943.10(3), F.S.
[47] Section 943.1395, F.S.

The bill amends s. 790.0655(4), F.S., to provide the meaning of "holder of a concealed weapons or concealed firearms license" for purposes of the 3-day wait section.

A holder of a concealed weapons or concealed firearms license includes:
- A person who holds a valid license issued under s. 790.06., F.S.;
- A law enforcement officer, correctional officer, or correctional probation officer[48]; and
- A servicemember as defined in s. 250.01, F.S.[49]

The bill takes effect on July 1, 2025.

## IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

## V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

[48] Sections 943.10(1), 943.10(2), and 943.10(3), F.S., respectively.
[49] 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.

C. Government Sector Impact:

None.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

None.

## VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 790.052 and 790.0655.

## IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on March 4, 2025:**

- Adds certain correctional probation officers to the list of persons who have the right to carry concealed firearms under certain circumstances, and to the list of persons who are "qualified law enforcement officers" or "qualified retired law enforcement officers."
- Provides that the superior officer of the Department of Corrections can direct the officers under his or her supervision to carry concealed firearms while off duty under certain circumstances.
- Removes the 3-day waiting period for any firearm purchases by law enforcement officers, part-time law enforcement officers, auxiliary law enforcement officers, correctional officers, part-time correctional officers, auxiliary correctional officers, correctional probation officers, and servicemembers.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.