

# 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.*

|                                                                          |                                                          |
|--------------------------------------------------------------------------|----------------------------------------------------------|
| <b>BILL #:</b> <a href="#">HB 6025</a>                                   | <b>COMPANION BILL:</b> <a href="#">SB 952</a> (Ingoglia) |
| <b>TITLE:</b> Restrictions on Firearms and Ammunition During Emergencies | <b>LINKED BILLS:</b> None                                |
| <b>SPONSOR(S):</b> Miller and Mayfield                                   | <b>RELATED BILLS:</b> None                               |
| <b>FINAL HOUSE FLOOR ACTION:</b> 86 Y's 28 N's                           | <b>GOVERNOR'S ACTION:</b> Pending                        |

## SUMMARY

### **Effect of the Bill:**

The bill repeals a provision that automatically imposes the following restrictions during a local state of emergency arising from a threat of violence or public disorder including:

- The sale, or display for sale, of firearms or ammunition.
- The intentional possession of a firearm in a public place by any person other than a law enforcement officer or military servicemember acting in the official performance of his or her duties.

As such, under the bill, the sale, or display for sale, of firearms or ammunition and the intentional possession of firearms or ammunition in a public place will no longer be automatically prohibited during a specified local state of emergency.

### **Fiscal or Economic Impact:**

The bill repeals a prohibition against selling firearms or ammunition during a local state of emergency arising from a threat of violence or public disorder. To the extent that such local states of emergency are declared and private businesses that were previously prohibited from selling firearms and ammunition during such states of emergency are now allowed to do so, the bill may have an indeterminate positive impact on such businesses.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

## ANALYSIS

### **EFFECT OF THE BILL:**

The bill repeals [s. 870.044, F.S.](#), which automatically prohibits all of the following during a [local state of emergency arising from a threat of violence or public disorder](#) throughout the jurisdiction in which the local state of emergency was declared:

- The sale of, or offer to sell, with or without consideration, any ammunition or gun or other firearm of any size or description.
- The intentional display, after the emergency is declared, by or in any store or shop of any ammunition or gun or other firearm of any size or description.
- The intentional possession in a public place of a firearm by any person, except a duly authorized law enforcement official or person in military service acting in the official performance of her or his duty.

(Section [1](#))

As such, under the bill, the sale of firearms or ammunition, the commercial display of firearms or ammunition for sale, and the intentional possession of firearms or ammunition in a public place will no longer be prohibited during such a local state of emergency.

The bill also repeals a provision providing that nothing in ch. 870, F.S., shall be construed to authorize the seizure, taking, or confiscation of firearms that are lawfully possessed, unless a person is engaged in a criminal act. (Section [1](#))

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law. (Section [2](#))

**STORAGE NAME:** h6025z

**DATE:** 4/24/2025

## FISCAL OR ECONOMIC IMPACT:

### PRIVATE SECTOR:

The bill repeals a prohibition against selling firearms or ammunition during a local state of emergency arising from a threat of violence or public disorder. To the extent that such local states of emergency are declared and private businesses are able to sell firearms and ammunition during such states of emergency, the bill may have an indeterminate positive impact on such businesses.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Local State of Emergency Arising from a Threat of Violence or Public Disorder](#)

[Section 870.041, F.S.](#), authorizes specified county and municipal officers to declare a state of emergency in situations involving overt acts of violence or imminent threats of such violence within their jurisdiction provided the Governor has not declared a state of emergency (local state of emergency).<sup>1</sup> For counties, this authority is vested in the sheriff and applies to the unincorporated areas of the county.<sup>2</sup> Municipalities may designate through ordinance either the mayor or chief of police as the official empowered to declare a public disorder state of local emergency.<sup>3</sup> In the absence of such an ordinance, the chief of police automatically holds this authority.<sup>4</sup>

A sheriff or designated city official (public official) may declare a local state of emergency within his or her jurisdiction if he or she determines that:

- There has been an act of violence or a flagrant and substantial defiance of, or resistance to, a lawful exercise of public authority; and
- There is reason to believe that there is a clear and present danger of a riot or other general public disorder, widespread disobedience of the law, and substantial injury to persons or property; and
- Such conditions constitute an imminent threat to public peace or order and to the general welfare of the jurisdiction.<sup>5</sup>

A declaration of a local state of emergency by a public official must be filed with the municipal clerk or clerk of the circuit court as soon as practicable, and forwarded to news media for publication and broadcast.<sup>6</sup> The local state of emergency remains in effect for 72 hours following the declaration, unless it is terminated earlier by the authorized public official, Governor, county commission, or city council.<sup>7</sup> Upon a request by the public official, the county commission or city council may grant an extension beyond the 72-hour period through a duly enacted ordinance or resolution.<sup>8</sup>

The public official *may* implement any of the following measures upon declaring a local state of emergency, with such limitations and conditions as he or she deems necessary:

- Establishing curfews, including restrictions on pedestrian and vehicular movement, except for essential and emergency services such as fire, police, utility repairs, and hospital services.
- Prohibiting the sale or distribution of alcoholic beverages.
- Prohibiting the possession of alcoholic beverages in public.
- Closing public assemblies with designated exceptions.
- Prohibiting the sale of gasoline or other flammable or combustible liquids, except into a tank properly affixed to a motor vehicle, bike, boat, or airplane.

---

<sup>1</sup> [S. 870.041, F.S.](#)

<sup>2</sup> [S. 870.042\(1\), F.S.](#)

<sup>3</sup> [S. 870.042\(2\), F.S.](#)

<sup>4</sup> *Id.*

<sup>5</sup> [S. 870.043, F.S.](#)

<sup>6</sup> [S. 870.046, F.S.](#)

<sup>7</sup> [S. 870.047, F.S.](#)

<sup>8</sup> *Id.*

- Prohibiting the possession of gasoline or other flammable or combustible liquids in public.<sup>9</sup>

In addition, the following acts are *automatically* prohibited during a local state of emergency throughout the jurisdiction in which the state of emergency was declared:

- The sale of, or offer to sell, with or without consideration, any ammunition or gun or other firearm of any size or description.
- The intentional display, after the emergency is declared, by or in any store or shop of any ammunition or gun or other firearm of any size or description.
- The intentional possession in a public place of a firearm by any person, except a duly authorized law enforcement official or person in military service acting in the official performance of her or his duty.<sup>10</sup>

[Section 870.044, F.S.](#), also specifies that none of the provisions in ch. 870, F.S., may be construed to authorize the seizure, taking, or confiscation of firearms that are lawfully possessed, unless a person is engaged in a criminal act.<sup>11</sup>

A violation of any provision of a local state of emergency declaration, or any emergency measure established pursuant to such a declaration is punishable as a first-degree misdemeanor.<sup>12</sup>

**RECENT LEGISLATION:**

| YEAR | BILL #                  | HOUSE SPONSOR(S) | SENATE SPONSOR | OTHER INFORMATION                                  |
|------|-------------------------|------------------|----------------|----------------------------------------------------|
| 2024 | <a href="#">HB 1615</a> | Gregory, Sirois  | None.          | The bill passed the House, but died in the Senate. |

---

<sup>9</sup> S. [870.045, F.S.](#)

<sup>10</sup> S. [870.044, F.S.](#)

<sup>11</sup> *Id.*

<sup>12</sup> [S. 870.048, F.S.](#) A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. [Ss. 775.082](#) or [775.083, F.S.](#)