

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: CS/HB 383 TITLE: Concealed Carry Licensing Requirements for Law Enforcement Officers, Correctional Officers, and Military Servicemembers SPONSOR(S): Holcomb and Giallombardo	COMPANION BILL: CS/SB 490 (Collins) LINKED BILLS: None RELATED BILLS: None
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Committee References

[Criminal Justice](#)
18 Y, 0 N, As CS

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.

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.](#)
- Servicemember 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 [1](#)).

The effective date of the bill is July 1, 2025. (Section [2](#)).

STORAGE NAME: h0383.CRM

DATE: 3/7/2025

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

[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

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).

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 Mar. 6, 2025).

¹⁰ *Id.*

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

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

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.¹⁴ [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.](#)

¹⁹ [S. 943.10\(1\), F.S.](#)

²⁰ [S. 943.10\(2\), F.S.](#)

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 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

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.](#)

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.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	18 Y, 0 N, As CS	3/6/2025	Hall	Padgett

THE CHANGES ADOPTED BY THE COMMITTEE:

- Moved language from the original bill to the statute relating to the mandatory waiting period for firearms purchases.
- Narrowed the applicability of the original bill by providing that a law enforcement officer, correctional officer, correctional probation officer, or servicemember is considered to be licensed to carry a concealed weapon or concealed firearm only for purposes of the exemption from the mandatory waiting period for firearms purchases.
- Specified that a correctional probation officer is a “holder of a concealed weapons or concealed firearms license” for purposes of the exemption from the mandatory waiting period for firearms purchases.

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
