

What Are the Gun Laws in Florida?

From NRAILA

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Caution: This summary is meant for general purposes only. Firearm laws frequently change and the following answers may not reflect changes in the laws.

State Requirements

Rifles and Shotguns

- Permit to purchase rifles and shotguns? No
- Registration of rifles and shotguns? No
- Licensing of owners of rifles and shotguns? No
- Permit to carry rifles and shotguns? No

Handguns

- Permit to purchase handgun? No
- Registration of handguns? No
- Licensing of owners of handguns? No
- Permit to carry handguns? Yes

Purchase and Possession:

No state permit is required to possess or purchase a rifle, shotgun or handgun.

It is unlawful for:

- any convicted felon to have in his or her possession any firearm or to carry a concealed weapon unless his civil rights have been restored.
- The following persons to own, possess or use any firearm - drug addicts, alcoholics, mental incompetents, and vagrants.
- For persons to have in their care, custody, possession, or control any firearm or ammunition if the person has been issued a final injunction that is currently in force and effect, restraining that person from committing acts of domestic violence.
- To sell, give, barter, lend or transfer a firearm or other weapon other than an ordinary pocketknife to a minor less than the age of 18 without his parent's permission, or to any person of unsound mind.
- Any dealer to sell or transfer any firearm, pistol, Springfield rifle or other repeating rifle to a minor.
- A minor less than 18 years of age to possess a firearm, other than an unloaded firearm at his home, unless engaged in lawful activities.

No licensed gun dealer, manufacturer or importer shall sell or deliver any firearm to another person until he has obtained a completed form from the potential buyer or transferee and received approval from the Department of Law Enforcement by means of a toll-free telephone call.

The Department of Law Enforcement shall destroy records of approval and non-approval within 48 hours after its response.

Exempt from the instant check are licensed dealers, manufacturers, importers, collectors, persons with a concealed carrying license, law enforcement, correctional and correctional probation officers.

Excluding weekends and legal holidays, there is a three-day waiting period to purchase a handgun from a retail establishment. Exempt from the waiting period are concealed weapons permit holders and those trading in another handgun.

Carrying

Unless covered under the exceptions, it is unlawful to openly carry on or about the person any firearm, or to carry a concealed firearm on or about the person without a license.

Exceptions:

- Persons having firearms at their home or place of business.
- Enrolled members of clubs organized for target, skeet, or trapshooting; while at, or going to or from shooting practice.
- Members of clubs organized for collecting antique or modern firearms while at or going to or from exhibitions.
- Persons engaged in fishing, camping or hunting and while going to or from such activity.
- Persons engaged in target shooting under safe conditions and in a safe place or while going to or from such place.
- Persons who are firing weapons for target practice in a safe and secure indoor range.
- Persons traveling by private conveyance if the weapon is securely encased, or in a public conveyance if the weapon is securely encased and not in the person's manual possession.
- Persons carrying a pistol unloaded and in a secure wrapper from place of purchase to their home or to a place of repair and back.
- Persons engaged in the business of manufacturing, repairing or dealing in firearms.
- Military, law enforcement personnel and private guards while so employed.

It is lawful to possess a concealed firearm for self-defense or other lawful purposes within the interior of a private conveyance, without a license, if the firearm is securely encased or is otherwise not readily accessible for immediate use.

A firearm other than a handgun may be carried anywhere in a private conveyance when such firearm is being carried for a lawful use.

This exemption does not authorize the carrying of a firearm concealed on the person.

An application for a license to carry a handgun concealed is made to the Department of Agriculture. The license is valid for five years and is honored throughout the state. The application shall be completed, under oath, on a form promulgated by the Department of Agriculture and shall include the applicant's name, address, place and date of birth, race, and occupation.

The Department of Agriculture shall issue a license if the applicant::

- Is at least 21 and a U.S. resident.
- Does not suffer from a physical or mental infirmity which prevents the safe handling of a firearm.
- Is not a convicted felon.
- Has not within a three-year period preceding submission of the application been convicted of a crime of violence or committed for drug abuse or been convicted of a minor drug offense.
- Has not been adjudicated guilty even with a suspended sentence for a felony or misdemeanor crime of domestic violence, unless three years has elapsed since probation or the record is sealed or expunged.
- Is not a chronic or habitual drunkard.

- Is not currently under any injunction restraining the applicant from acts of domestic violence or repeated acts of violence.
- States that he desires a legal means to carry a concealed weapon or firearm for lawful self-defense.

Miscellaneous Laws Include:

Under Florida law, there is no "duty to retreat" if you are attacked in any place you have a lawful right to be. Instead, you may stand your ground and meet force with force, including deadly force, if you reasonably believe it is necessary to prevent death or great bodily harm to yourself or others.

Florida has mandatory sentence enhancements for any serious felony, such as murder, rape, aggravated assault, burglary or robbery, committed with a firearm. The penalty is increased if a machine gun or a semiautomatic firearm with magazine capacity of more than 20 centerfire cartridges is possessed during a serious felony or narcotics offense.

It is unlawful to knowingly discharge a firearm in any public place, or on the right of way of any paved public road, highway or street or over any road, highway, street or occupied building, except in defense of life or property, in performance of official duties or where expressly approved for hunting.

Except during the hunting season as established by law, it is unlawful to carry a firearm within the limits of a national forest area. Exempt are persons who have obtained a special permit by the county commissioners or persons traveling on state roads when the firearm is securely locked within a vehicle.

It is unlawful to have or carry a firearm in the presence of one or more persons and exhibit the firearm in a rude, careless, angry, or threatening manners, except in cases of self-defense.

The state legislature has preempted the regulation of firearms and ammunition. No political subdivision of the state may bring legal action against a firearms or ammunition manufacturer or distributor for the legal manufacture, marketing, distribution, and sale of firearms and ammunition.