

# FLORIDA STATE STATUTE 790

## Weapons and Firearms

State statute 790 of the laws of Florida governs firearms and weapons within the state. This pamphlet summarizes the state statute only and is intended as a guide and not as legal advice. It DOES NOT include all of the laws regarding firearms and laws are subject to change at any time. Please consult the statute directly or a law enforcement agency for more specific information and details. This pamphlet does not address Federal Law, Florida counties or cities ordinances regarding firearms.

### RESPONSIBILITY:

Anyone who owns a firearm should understand that there is a great responsibility in owning and using it. Therefore, you are encouraged to take courses designed to provide training in safety and proper use. You are responsible for your actions!

### OWNERSHIP:

You must be 18 years of age or older to own or possess a handgun, rifle or shotgun. You must be 21 years of age or older to purchase a handgun, rifle, shotgun or handgun ammunition.

### CHILDREN:

All loaded firearms must be secure from a child's access. This means the firearm must be in a locked box, container or secured by gunlock. It is a misdemeanor crime to allow a child to have access or fail to stop a child from gaining access to a firearm. Children under the age of 16 are not permitted to use BB or air operated guns unless they are under supervision and in the presence of an adult who is acting with the consent of the minor's parent.



### TWO OR THREE STEP RULE?

In the state of Florida, there is no such thing as a two or three step rules to gain access to a handgun while in a vehicle. The law states that the handgun must be "securely encased" or not readily accessible. One could say that this provides a moment of 'pause.'

### FIREARMS IN VEHICLES:

Firearms and weapons may be carried in motor vehicles providing:

- the weapon is carried for self-defense purposes or lawful possession
- the weapon is not readily accessible or the weapon is **securely encased**

### DEFINITION OF SECURELY ENCASED:

"Securely encased" means in a glove compartment, whether or not locked; snapped in a holster; in a gun case, whether or not locked; in a zippered gun case; or in a closed box or container which requires a lid or cover to be opened for access.

### EXAMPLES OF ILLEGAL STORAGE OR CARRYING:

- concealed on your person (under a coat, in a belt, in pants, etc.)
- concealed, readily accessible and not securely encased (under car seat, in the driver's door flap, etc.)

### GENERAL FIREARMS RULES:

A shotgun or rifle may be carried in a rack, on the seat or anywhere you choose as long as it is being carried for legal purposes.

All firearms are permitted to be loaded at all times with the exception of certain federal, state and local wildlife management areas or where otherwise posted. Firearms are not permitted on school grounds, government buildings and certain special events. See FSS 790 for more details.

### FIREARMS IN HOMES OR ON YOUR OWN PROPERTY:

Firearms can be stored anywhere in the home and in any method as long as the firearm is secure from a child's access or other unauthorized persons. It is lawful to openly carry a firearm on your own property. Permits are not required.

### FIREARM RESTRICTIONS:

Florida law prohibits the possession of firearms by those who have been convicted of a felony or have a domestic violence injunction or conviction.

### OPEN CARRYING OF WEAPONS:

Firearms may be open carried on your own property. Florida law does NOT permit the open carrying of firearms with the exception of certain activities, such as hunting. See the statute or regulations for more information.

### DISCHARGING FIREARMS OUTDOORS:

FSS 790.15 states "any person who recreationally discharges a firearm outdoors, including target shooting, in an area that the person knows or reasonably should know is primarily residential in nature and that has a residential density of one or more dwelling units per acre, commits a misdemeanor of the first degree.

### CONCEALED WEAPONS PERMIT:

Firearms may be carried concealed on your person as long as you have a current concealed weapons permit issued through the Florida Department of Agriculture and Consumer Services. There is a fee for this permit. It should be noted that this permit does not allow the carrying of firearms in government buildings, schools or drinking establishments.

## PURCHASE AND DELIVERY:

Generally, there is a three-day waiting period for firearms, excluding weekends and legal holidays, or the time it takes to complete the required criminal background check, whichever occurs later, for delivery of a firearm(s) to the purchaser after a sale. This pertains to guns sold by licensed firearms dealers. There are exemptions to the waiting period. Consult the statute for further information.

## INTERSTATE TRAVELING:

Each state has specific rules for the transportation of firearms. Consult each state prior to traveling. For those with concealed weapons permits, you may visit the Florida Department of Agriculture and Consumer Services link at [www.myflorida.com](http://www.myflorida.com) for a list of states that offer reciprocal carry rights for those who hold Florida Concealed Weapons Permits.

## SELF-DEFENSE WEAPONS:

Self-defense chemical sprays, non-lethal stun guns or dart-firing stun guns or other non-lethal electric weapons or devices may be carried concealed as long as they are being carried for self-defense purposes only.

## FLORIDA STATUTES PORTAL

Weapons and Firearms: Chapter 790

<http://www.leg.state.fl.us/statutes/index.cfm?>

## CONTACT INFORMATION:

### EMERGENCY 9-1-1

Citrus County Sheriff's Office - 352.726.4488

[www.sheriffcitrus.org](http://www.sheriffcitrus.org)

**NOTICE:** Information provided is accurate as of time of publication. Laws can and do change. It is your responsibility to check for any changes or updates. Revised January 16, 2019.

## GUN SAFETY RULES:



**ALWAYS Keep The Gun Pointed In A Safe Direction** – This is the primary rule of gun safety. Common sense dictates the safest direction, depending on different circumstances.



**ALWAYS Keep Your Finger Off The Trigger Until Ready To Shoot** – When holding a gun, rest your finger alongside the frame and outside the trigger guard. Until you are actually ready to fire, do not touch the trigger.



**ALWAYS Keep The Gun Unloaded Until Ready To Use** – If you do not know how to open the action or inspect the chamber(s), leave the gun alone and get help from someone who does.

- ❖ Know your target and what is beyond.
- ❖ Know how to use the gun safely.
- ❖ Be sure the gun is safe to operate.
- ❖ Use only the correct ammunition for your gun.
- ❖ Wear eye and ear protection as appropriate.
- ❖ Never use alcohol, over-the-counter drugs or prescription drugs before or while shooting.
- ❖ Store guns so they are not accessible to unauthorized persons.
- ❖ Be aware that certain types of guns and many shooting activities require additional safety precautions.
- ❖ Regular cleaning is important in order to operate correctly and safely.

Visit <https://gunsafetyrules.nra.org> for additional safety information.

Source: National Rifle Association, 2019



When fired into the air, bullets can return to the ground at speeds greater than 200 ft./sec., a sufficient force to penetrate the human skull and cause serious injury or death. CDC 2004

# Florida Firearms Guide

An overview of the laws  
of the State of Florida



Provided by the  
Citrus County Sheriff's Office