

House Joint Resolution

A joint resolution proposing amendments to Section 8 of Article I and Section 5 of Article VIII of the State Constitution to exempt certain law enforcement officers from the 3-day waiting period for handgun purchases under state law and a criminal history records check and 3 to 5-day waiting period for firearm purchases under a county ordinance.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Section 8 of Article I and Section 5 of Article VIII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 8. Right to bear arms.—

(a) The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

(b) There shall be a mandatory period of three days,

26 | excluding weekends and legal holidays, between the purchase and
27 | delivery at retail of any handgun. For the purposes of this
28 | section, "purchase" means the transfer of money or other
29 | valuable consideration to the retailer, and "handgun" means a
30 | firearm capable of being carried and used by one hand, such as a
31 | pistol or revolver. As prescribed by general law, certified law
32 | enforcement officers who are employed or appointed by a law
33 | enforcement agency in this state and holders of a concealed
34 | weapon permit as prescribed in Florida law shall not be subject
35 | to the provisions of this paragraph.

36 | (c) The legislature shall enact legislation implementing
37 | subsection (b) of this section, effective no later than December
38 | 31, 1991, which shall provide that anyone violating the
39 | provisions of subsection (b) shall be guilty of a felony.

40 | (d) This restriction shall not apply to a trade in of
41 | another handgun.

42 | ARTICLE VIII

43 | LOCAL GOVERNMENT

44 | SECTION 5. Local option.—

45 | (a) Local option on the legality or prohibition of the
46 | sale of intoxicating liquors, wines or beers shall be preserved
47 | to each county. The status of a county with respect thereto
48 | shall be changed only by vote of the electors in a special
49 | election called upon the petition of twenty-five per cent of the
50 | electors of the county, and not sooner than two years after an

51 earlier election on the same question. Where legal, the sale of
 52 intoxicating liquors, wines and beers shall be regulated by law.

53 (b) Each county shall have the authority to require a
 54 criminal history records check and a 3 to 5-day waiting period,
 55 excluding weekends and legal holidays, in connection with the
 56 sale of any firearm occurring within such county. For purposes
 57 of this subsection, the term "sale" means the transfer of money
 58 or other valuable consideration for any firearm when any part of
 59 the transaction is conducted on property to which the public has
 60 the right of access. As prescribed by general law, certified law
 61 enforcement officers who are employed or appointed by a law
 62 enforcement agency in this state and holders of a concealed
 63 weapons permit ~~as prescribed by general law~~ shall not be subject
 64 to the provisions of this subsection when purchasing a firearm.

65
 66 BE IT FURTHER RESOLVED that the following statement be
 67 placed on the ballot:

68 CONSTITUTIONAL AMENDMENTS

69 ARTICLE I, SECTION 8

70 ARTICLE VIII, SECTION 5

71 EXEMPTION FROM REQUIREMENTS FOR FIREARM PURCHASES FOR
 72 CERTAIN LAW ENFORCEMENT OFFICERS.—Proposing an amendment to the
 73 State Constitution to exempt certified law enforcement officers
 74 who are employed or appointed by a law enforcement agency in
 75 this state, as prescribed in Florida law, from the 3-day waiting

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76 | period for handgun purchases under state law and a criminal
77 | history records check and 3 to 5-day waiting period for firearm
78 | purchases under a county ordinance.