

By Senator Rossin

35-14-01

1 A bill to be entitled
2 An act relating to firearms; amending s.
3 790.33, F.S.; authorizing a board of county
4 commissioners to adopt an ordinance requiring
5 the installation of a trigger lock on any
6 firearm purchased, sold, transferred, or
7 possessed within the county; requiring that law
8 enforcement officers be exempt from the
9 ordinance; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 790.33, Florida Statutes, is
14 amended to read:

15 790.33 Field of regulation of firearms and ammunition
16 preempted.--

17 (1) PREEMPTION.--Except as expressly provided by
18 general law, the Legislature hereby declares that it is
19 occupying the whole field of regulation of firearms and
20 ammunition, including the purchase, sale, transfer, taxation,
21 manufacture, ownership, possession, and transportation
22 thereof, to the exclusion of all existing and future county,
23 city, town, or municipal ordinances or regulations relating
24 thereto. Any such existing ordinances are hereby declared
25 null and void. This subsection shall not affect zoning
26 ordinances which encompass firearms businesses along with
27 other businesses. Zoning ordinances which are designed for
28 the purpose of restricting or prohibiting the sale, purchase,
29 transfer, or manufacture of firearms or ammunition as a method
30 of regulating firearms or ammunition are in conflict with this
31 subsection and are prohibited.

1 (2) LIMITED EXCEPTION; COUNTY WAITING-PERIOD
2 ORDINANCES.--

3 (a) Any county may have the option to adopt a
4 waiting-period ordinance requiring a waiting period of up to,
5 but not to exceed, 3 working days between the purchase and
6 delivery of a handgun. For purposes of this subsection,
7 "purchase" means payment of deposit, payment in full, or
8 notification of intent to purchase. Adoption of a
9 waiting-period ordinance, by any county, shall require a
10 majority vote of the county commission on votes on
11 waiting-period ordinances. This exception is limited solely
12 to individual counties and is limited to the provisions and
13 restrictions contained in this subsection.

14 (b) Ordinances authorized by this subsection shall
15 apply to all sales of handguns to individuals by a retail
16 establishment except those sales to individuals exempted in
17 this subsection. For purposes of this subsection, "retail
18 establishment" means a gun shop, sporting goods store, pawn
19 shop, hardware store, department store, discount store, bait
20 or tackle shop, or any other store or shop that offers
21 handguns for walk-in retail sale but does not include gun
22 collectors shows or exhibits, or gun shows.

23 (c) Ordinances authorized by this subsection shall not
24 require any reporting or notification to any source outside
25 the retail establishment, but records of handgun sales must be
26 available for inspection, during normal business hours, by any
27 law enforcement agency as defined in s. 934.02.

28 (d) The following shall be exempt from any waiting
29 period:

30 1. Individuals who are licensed to carry concealed
31 firearms under the provisions of s. 790.06 or who are licensed

1 to carry concealed firearms under any other provision of state
2 law and who show a valid license;

3 2. Individuals who already lawfully own another
4 firearm and who show a sales receipt for another firearm; who
5 are known to own another firearm through a prior purchase from
6 the retail establishment; or who have another firearm for
7 trade-in;

8 3. A law enforcement or correctional officer as
9 defined in s. 943.10;

10 4. A law enforcement agency as defined in s. 934.02;

11 5. Sales or transactions between dealers or between
12 distributors or between dealers and distributors who have
13 current federal firearms licenses; or

14 6. Any individual who has been threatened or whose
15 family has been threatened with death or bodily injury,
16 provided the individual may lawfully possess a firearm and
17 provided such threat has been duly reported to local law
18 enforcement.

19 (3) LIMITED EXCEPTION; COUNTY ORDINANCES REQUIRING
20 TRIGGER LOCKS.--Any board of county commissioners may adopt an
21 ordinance requiring that a trigger lock be installed on any
22 firearm that is purchased, sold, transferred, or possessed
23 within the county. An ordinance authorized by this subsection
24 must provide an exemption for law enforcement officers as
25 defined in s. 943.10.

26 (4)(3) POLICY AND INTENT.--

27 (a) It is the intent of this section to provide
28 uniform firearms laws in the state; to declare all ordinances
29 and regulations null and void which have been enacted by any
30 jurisdictions other than state and federal, which regulate
31 firearms, ammunition, or components thereof; to prohibit the

1 enactment of any future ordinances or regulations relating to
2 firearms, ammunition, or components thereof unless
3 specifically authorized by this section or general law; and to
4 require local jurisdictions to enforce state firearms laws.

5 (b) ~~As created by chapter 87-23, Laws of Florida, This~~
6 section ~~shall be known and~~ may be cited as the "Joe Carlucci
7 Uniform Firearms Act."

8 Section 2. This act shall take effect July 1, 2001.

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11 SENATE SUMMARY

12 Authorizes a board of county commissioners to adopt an
13 ordinance requiring that a trigger lock be installed on
14 any firearm purchased, sold, transferred, or possessed
within the county. Requires that the ordinance provide an
exemption for law enforcement officers.

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