

By Senator Diaz de la Portilla

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1 A bill to be entitled

2 An act relating to an exception to the waiting period
3 for purchasing and delivering handguns; amending s.
4 790.0655, F.S.; exempting the purchase of a handgun by
5 a qualified law enforcement officer or a qualified
6 retired law enforcement officer from the 3-day waiting
7 period; providing a contingent effective date.
8

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

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11 Section 1. Section 790.0655, Florida Statutes, is amended
12 to read:

13 790.0655 Purchase and delivery of handguns; mandatory
14 waiting period; exceptions; penalties.—

15 (1) (a) There shall be a mandatory 3-day waiting period,
16 which shall be 3 days, excluding weekends and legal holidays,
17 between the purchase and the delivery at retail of any handgun.
18 "Purchase" means the transfer of money or other valuable
19 consideration to the retailer. "Handgun" means a firearm capable
20 of being carried and used by one hand, such as a pistol or
21 revolver. "Retailer" means and includes every person engaged in
22 the business of making sales at retail or for distribution, or
23 use, or consumption, or storage to be used or consumed in this
24 state, as defined in s. 212.02(13).

25 (b) Records of handgun sales must be available for
26 inspection by any law enforcement agency, as defined in s.
27 934.02, during normal business hours.

28 (2) The 3-day waiting period does ~~shall~~ not apply in the
29 following circumstances:

30 (a) When a handgun is being purchased by a holder of a
31 concealed weapon ~~weapons~~ permit as defined in s. 790.06 or by a
32 qualified law enforcement officer or qualified retired law

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33 enforcement officer who has a firearms proficiency verification
34 card authorized by s. 943.132.

35 (b) To a trade-in of another handgun.

36 (3) It is a felony of the third degree, punishable as
37 provided in s. 775.082, s. 775.083, or s. 775.084:

38 (a) For any retailer, or any employee or agent of a
39 retailer, to deliver a handgun before the expiration of the 3-
40 day waiting period, subject to the exceptions provided in
41 subsection (2).

42 (b) For a purchaser to obtain delivery of a handgun by
43 fraud, false pretense, or false representation.

44 Section 2. This act shall take effect on the effective date
45 of the amendment to the State Constitution proposed in SJR ____
46 or a similar joint resolution, if approved by a vote of the
47 electors in the general election held in November 2016 or at an
48 earlier special election specifically authorized by law for such
49 purpose.