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

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

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

ARTICLE VIII
LOCAL GOVERNMENT

SECTION 5. Local option.—
(a) Local option on the legality or prohibition of the
sale of intoxicating liquors, wines or beers shall be preserved
to each county. The status of a county with respect thereto
shall be changed only by vote of the electors in a special
election called upon the petition of twenty-five per cent of the
electors of the county, and not sooner than two years after an
earlier election on the same question. Where legal, the sale of intoxicating liquors, wines and beers shall be regulated by law.

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

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

CONSTITUTIONAL AMENDMENTS

ARTICLE I, SECTION 8

ARTICLE VIII, SECTION 5

EXEMPTION FROM REQUIREMENTS FOR FIREARM PURCHASES FOR CERTAIN LAW ENFORCEMENT OFFICERS.—Proposing an amendment to the State Constitution to exempt certified law enforcement officers who are employed or appointed by a law enforcement agency in this state, as prescribed in Florida law, 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.