

By Senator Baxley

12-01284-17

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Senate 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 law enforcement officers from the 3-day waiting period for handgun purchases under state law and under any county ordinance requiring a waiting period for handgun purchases.

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

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30 pistol or revolver. Holders of a concealed weapon permit and law  
31 enforcement officers as prescribed in Florida law shall not be  
32 subject to the provisions of this paragraph.

33 (c) The legislature shall enact legislation implementing  
34 subsection (b) of this section, effective no later than December  
35 31, 1991, which shall provide that anyone violating the  
36 provisions of subsection (b) shall be guilty of a felony.

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

#### 39 ARTICLE VIII

#### 40 LOCAL GOVERNMENT

#### 41 SECTION 5. Local option.—

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

50 (b) Each county shall have the authority to require a  
51 criminal history records check and a 3 to 5-day waiting period,  
52 excluding weekends and legal holidays, in connection with the  
53 sale of any firearm occurring within such county. For purposes  
54 of this subsection, the term "sale" means the transfer of money  
55 or other valuable consideration for any firearm when any part of  
56 the transaction is conducted on property to which the public has  
57 the right of access. Holders of a concealed weapons permit and  
58 law enforcement officers as prescribed by general law shall not

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59 be subject to the provisions of this subsection when purchasing  
60 a firearm.

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

63 CONSTITUTIONAL AMENDMENT

64 ARTICLE I, SECTION 8

65 ARTICLE VIII, SECTION 5

66 EXEMPTION FROM WAITING PERIOD FOR HANDGUN PURCHASES.—

67 Proposing an amendment to the State Constitution to exempt law  
68 enforcement officers, as prescribed in Florida law, from the 3-  
69 day waiting period for handgun purchases under state law and  
70 under any county ordinance requiring a waiting period for  
71 handgun purchases.