

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 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 amendment to Section 8 of Article I of the State Constitution is 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

26 | section, "purchase" means the transfer of money or other
27 | valuable consideration to the retailer, and "handgun" means a
28 | firearm capable of being carried and used by one hand, such as a
29 | pistol or revolver. Holders of a concealed weapon permit and law
30 | enforcement officers as prescribed in Florida law shall not be
31 | subject to the provisions of this paragraph.

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

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

38 | ARTICLE VIII

39 | LOCAL GOVERNMENT

40 | SECTION 5. Local option.—

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

49 | (b) Each county shall have the authority to require a
50 | criminal history records check and a 3 to 5-day waiting period,

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51 | excluding weekends and legal holidays, in connection with the
52 | sale of any firearm occurring within such county. For purposes
53 | of this subsection, the term "sale" means the transfer of money
54 | or other valuable consideration for any firearm when any part of
55 | the transaction is conducted on property to which the public has
56 | the right of access. Holders of a concealed weapons permit and
57 | law enforcement officers as prescribed by general law shall not
58 | be subject to the provisions of this subsection when purchasing
59 | a firearm.

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

62 | CONSTITUTIONAL AMENDMENT

63 | ARTICLE I, SECTION 8

64 | ARTICLE 8, SECTION 5

65 | EXEMPTION FROM WAITING PERIOD FOR HANDGUN PURCHASES.—
66 | Proposing an amendment to the State Constitution to exempt law
67 | enforcement officers, as prescribed in Florida law, from the 3-
68 | day waiting period for handgun purchases under state law and
69 | under any county ordinance requiring a waiting period for
70 | handgun purchases.