

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 remove restrictions on the purchase of personal firearms by qualified law enforcement officers.

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

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. A person who is a holder ~~holders~~ of a  
 30 | concealed weapon permit or who is a qualified law enforcement  
 31 | officer or qualified retired law enforcement officer as  
 32 | prescribed by general ~~in Florida~~ law is ~~shall be~~ subject to  
 33 | this restriction ~~the provisions of this paragraph~~.

34 | (c) ~~The legislature shall enact~~ Legislation implementing  
 35 | subsection (b) must ~~of this section, effective no later than~~  
 36 | ~~December 31, 1991, which shall~~ provide that a person who  
 37 | violates ~~anyone violating the provisions of~~ subsection (b)  
 38 | commits ~~shall be guilty of~~ a felony.

39 | (d) This restriction does ~~shall~~ not apply to a trade in of  
 40 | another handgun.

41 | ARTICLE VIII

42 | LOCAL GOVERNMENT

43 | SECTION 5. Local option.—

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

52 | (b) Each county may ~~shall have the authority to~~ require a

53 criminal history records check and a 3 to 5-day waiting period,  
 54 excluding weekends and legal holidays, in connection with the  
 55 sale of any firearm occurring within such county. For purposes  
 56 of this subsection, the term "sale" means the transfer of money  
 57 or other valuable consideration for any firearm when any part of  
 58 the transaction is conducted on property to which the public has  
 59 the right of access. A person who is a holder ~~holders~~ of a  
 60 concealed weapon ~~weapons~~ permit or who is a qualified law  
 61 enforcement officer or qualified retired law enforcement officer  
 62 as prescribed by general law is ~~shall~~ not ~~be~~ subject to ~~the~~  
 63 ~~provisions of this~~ restriction on the purchase of ~~subsection~~  
 64 ~~when purchasing~~ a firearm.

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

67 CONSTITUTIONAL AMENDMENT

68 ARTICLE I, SECTION 8

69 ARTICLE VIII, SECTION 5

70 PURCHASE OF PERSONAL FIREARMS BY QUALIFIED LAW ENFORCEMENT  
 71 OFFICERS.—The Florida Constitution provides for waiting periods  
 72 in connection with certain sales of firearms. The waiting  
 73 periods do not apply to holders of a concealed weapon permit,  
 74 but the waiting periods do apply to law enforcement officers.  
 75 The amendment exempts qualified law enforcement officers and  
 76 qualified retired law enforcement officers from the waiting  
 77 periods.