

By Senator Baxley

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1 A bill to be entitled
2 An act relating to exceptions to requirements for the
3 purchase and sale of firearms; amending s. 790.0655,
4 F.S.; exempting certain qualified law enforcement
5 officers and qualified retired law enforcement
6 officers from the 3-day waiting period for purchasing
7 a handgun; creating s. 790.0656, F.S.; exempting
8 concealed weapon or concealed firearm licensees and
9 certain current and retired law enforcement officers
10 from certain county criminal history and waiting
11 period requirements when purchasing a firearm;
12 providing a contingent effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Section 790.0655, Florida Statutes, is amended
17 to read:

18 790.0655 Purchase and delivery of handguns; mandatory
19 waiting period; exceptions; penalties.—

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

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30 (b) Records of handgun sales must be available for
31 inspection by any law enforcement agency, as defined in s.
32 934.02, during normal business hours.

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

35 (a) When a handgun is being purchased by a holder of a
36 license to carry a concealed weapon or firearm ~~weapons permit as~~
37 under defined in s. 790.06 or by a qualified law enforcement
38 officer or qualified retired law enforcement officer who has a
39 firearms proficiency verification card under s. 943.132.

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

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

43 (a) For any retailer, or any employee or agent of a
44 retailer, to deliver a handgun before the expiration of the 3-
45 day waiting period, subject to the exceptions provided in
46 subsection (2).

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

49 Section 2. Section 790.0656, Florida Statutes, is created
50 to read:

51 790.0656 Sale of firearms; county requirements;
52 exceptions.—Criminal history records checks or waiting period
53 requirements adopted by a county pursuant to s. 5(b), Art. VIII
54 of the State Constitution in connection with the sale of a
55 firearm occurring within the county do not apply if the firearm
56 is being purchased by a holder of a license to carry a concealed
57 weapon or concealed firearm under s. 790.06 or by a qualified
58 law enforcement officer or qualified retired law enforcement

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59 officer who has a firearms proficiency verification card under
60 s. 943.132.

61 Section 3. This act shall take effect on the effective date
62 of the amendment to the State Constitution proposed in SJR ____
63 or a similar joint resolution, if approved by a vote of the
64 electors in the general election held in November 2018 or at an
65 earlier special election specifically authorized by law for such
66 purpose.