

By Senator Diaz de la Portilla

40-01130-16

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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 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 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. A person who is a holder ~~holders~~ of a concealed weapon permit or who is a qualified law enforcement officer or qualified retired law enforcement officer as prescribed by general ~~in Florida~~ law is ~~shall not be~~ subject to

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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.

ARTICLE VIII

LOCAL GOVERNMENT

SECTION 5. Local option.—

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

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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.