```
 1                    House Joint Resolution
 2        A joint resolution proposing amendments to Section 8
 3        of Article I and Section 5 of Article VIII of the
 4        State Constitution to remove certain restrictions on
 5        the purchase of personal firearms by active duty
 6        servicemembers.
 7
 8   Be It Resolved by the Legislature of the State of Florida:
 9
10        That the following amendments to Section 8 of Article I and
11   Section 5 of Article VIII of the State Constitution are agreed
12   to and shall be submitted to the electors of this state for
13   approval or rejection at the next general election or at an
14   earlier special election specifically authorized by law for that
15   purpose:
16                          ARTICLE I
17                      DECLARATION OF RIGHTS
18        SECTION 8.  Right to bear arms.—
19        (a)  The right of the people to keep and bear arms in
20   defense of themselves and of the lawful authority of the state
21   shall not be infringed, except that the manner of bearing arms
22   may be regulated by law.
23        (b)  There shall be a mandatory period of three days,
24   excluding weekends and legal holidays, between the purchase and
25   delivery at retail of any handgun. For the purposes of this
```

hjr0091-00

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. A person who is a holder ~~Holders~~ of a

30 concealed weapon permit <u>or who is an active duty servicemember</u>

31 as prescribed <u>by general</u> ~~in Florida~~ law <u>is</u> ~~shall~~ not ~~be~~ subject

32 to <u>this restriction</u> ~~the provisions of this paragraph~~.

33   (c) ~~The legislature shall enact~~ Legislation implementing

34 subsection (b) <u>must</u> ~~of this section, effective no later than~~

35 ~~December 31, 1991, which shall~~ provide that <u>a person who</u>

36 <u>violates</u> ~~anyone violating the provisions of~~ subsection (b)

37 <u>commits</u> ~~shall be guilty of~~ a felony.

38   (d) This restriction <u>does</u> ~~shall~~ not apply to a trade in ~~of~~

39 another handgun.

40   ARTICLE VIII

41   LOCAL GOVERNMENT

42   SECTION 5. Local option.—

43   (a) Local option on the legality or prohibition of the

44 sale of intoxicating liquors, wines or beers shall be preserved

45 to each county. The status of a county with respect thereto

46 shall be changed only by vote of the electors in a special

47 election called upon the petition of twenty-five per cent of the

48 electors of the county, and not sooner than two years after an

49 earlier election on the same question. Where legal, the sale of

50 intoxicating liquors, wines and beers shall be regulated by law.

51   (b)   Each county <u>may</u> <s>shall have the authority to</s> require a

52   criminal history records check and a 3 to 5-day waiting period,

53   excluding weekends and legal holidays, in connection with the

54   sale of any firearm occurring within such county. For purposes

55   of this subsection, the term "sale" means the transfer of money

56   or other valuable consideration for any firearm when any part of

57   the transaction is conducted on property to which the public has

58   the right of access. Holders of a concealed weapons permit as

59   prescribed by general law shall not be subject to the provisions

60   of this subsection when purchasing a firearm. <u>A person who is an</u>

61   <u>active duty servicemember as prescribed by general law shall not</u>

62   <u>be subject to a waiting period authorized by this subsection.</u>

63

64   BE IT FURTHER RESOLVED that the following statement be

65   placed on the ballot:

66   CONSTITUTIONAL AMENDMENT

67   ARTICLE I, SECTION 8

68   ARTICLE VIII, SECTION 5

69   PURCHASE OF PERSONAL FIREARMS BY ACTIVE DUTY

70   SERVICEMEMBERS.—The Florida Constitution provides for waiting

71   periods under state law and county ordinances in connection with

72   certain sales of firearms. The waiting periods do not apply to

73   holders of a concealed weapon permit, but the waiting periods do

74   apply to active duty servicemembers. The amendment exempts

75   active duty servicemembers from such waiting periods.

Page 3 of 3