

CONSTITUTIONAL AMENDMENT FULL TEXT

Ballot Title:

FIREARM PURCHASE BACKGROUND CHECK

Ballot Summary:

Extends the current 3-day waiting period between purchase and delivery at retail of a handgun to all purchases of all firearms. Requires that before delivery is made, the Florida Department of Law Enforcement conduct a background check on the purchaser and the seller receive a response approving the transfer of the firearm. Defines background check. Deletes current exclusion for concealed weapons permit holders and trade-ins.

Article and Section Being Created or Amended:

Amends Article I, Section 8

Full Text of the Proposed Amendment:

ARTICLE I, 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) No firearm shall be sold and delivered to a purchaser until after ~~There shall be~~ a mandatory period of three days, excluding weekends and legal holidays, between the purchase and delivery ~~at retail~~ of any firearm, and the seller receives a response of the background check on the purchaser approving the transfer of the firearm handgun. For the purposes of this section, “purchase” means the transfer of money or other valuable consideration to the seller ~~retailer~~, and “background check” means the background check performed by the Florida Department of Law Enforcement on potential transferees before the transfer of a firearm from a retailer ~~“handgun” means a firearm capable of being carried and used by one hand, such as a pistol or revolver.~~ ~~Holders of a concealed weapon permit as prescribed in Florida law shall not be subject to the provisions of this paragraph.~~

(c) ~~The legislature shall enact legislation implementing subsection (b) of this section, effective no later than December 31, 1991, which shall provide that anyone violating the provisions of subsection (b) shall be guilty of a felony. Subsection (b) is self-executing, and no Legislative implementation is required. Anyone violating the provisions of subsection (b) shall be guilty of a felony of the third degree.~~

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

Initiative Information

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Sponsor Name: Floridians for Universal Background Checks

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