

Request that the Alachua County Board of County Commissioners adopt a 5-day waiting period and criminal history records check for all gun purchases in Alachua County.

Proposal by Commissioner Adrian Hayes-Santos

Under the Florida Constitution, counties have the ability to adopt a 5-day waiting period and criminal history records check for gun purchases. Counties around the state such as Miami Dade and Palm Beach counties have enacted 5-day waiting period and criminal history record check ordinances. The Gainesville City Commission requests that the Alachua County Board of County Commissioners pass a 5-day gun purchase waiting period and criminal history records check ordinance to help protect Gainesville residents from gun violence.

Excerpt from Florida Constitution:

Article VIII, Section 5

(b) Each county shall have the authority to require a criminal history records check and a 3 to 5-day waiting period, excluding weekends and legal holidays, in connection with the sale of any firearm occurring within such county. For purposes of this subsection, the term "sale" means the transfer of money or other valuable consideration for any firearm when any part of the transaction is conducted on property to which the public has the right of access. Holders of a concealed weapons permit as prescribed by general law shall not be subject to the provisions of this subsection when purchasing a firearm.

Miami-Dade Ordinance

Sec. 21-20.18. - Five-day waiting period and criminal history records check on firearms sales.

(a) *Definitions.* For purposes of this section, the following terms shall be defined as follows:

- (1) *Any part of the transaction* means any part of the sales transaction, including but not limited to, the offer of sale, negotiations, the agreement to sell, the transfer of consideration, or the transfer of the firearm.
- (2) *Antique firearms* means any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and any replica of any such firearm if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

- (g) *Reporting of information.* To the fullest extent permissible by law, all information acquired in relation to a violation of this section shall be reported to appropriate federal and state officials.

(Ord. No. 98-169, § 1, 12-1-98)

Palm Beach County Ordinance

Sec. 28-23. - Mandatory waiting period; criminal history records check requirement.

- (a) No person shall deliver a firearm to another person, other than a licensed dealer, licensed manufacturer or licensed importer, in connection with the sale of such firearm for a period of five (5) business days from the date of the sale.
- (b) No person shall deliver a firearm to another person, other than a licensed dealer, licensed manufacturer or licensed importer, in connection with the sale of such firearm until the seller, either directly or through a licensed dealer, licensed manufacturer or licensed importer, has:
- (1) Requested a national criminal history records check of the potential purchaser or transferee of the firearm from FDLE or NICS, and
 - (2) Received an approval/identification number from FDLE or NICS signifying the potential purchaser or transferee of the firearm would not be prohibited by state or federal law from receiving or possessing a firearm.
- (c) The provisions of this section shall not apply to holders of a concealed weapons permit issued pursuant to general law of the State of Florida when purchasing a firearm.

(Ord. No. 99-5, § 3, 2-23-99; Ord. No. 99-40, § 1, 9-28-99; Ord. No. 06-054, § 2, 11-21-06)