

ARTICLE VI. - FIREARMS, FIVE-DAY WAITING PERIOD⁽⁶⁾

Footnotes:

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Editor's note— The provisions of Ord. No. 1998-45, §§ 1—4, adopted Dec. 8, 1998, have been treated by the editor as superseding the former provisions of Art. VI, §§ 18-96—18-99 which pertained to a three-day cooling off period prior to the delivery of handguns purchased from retail establishments. Former Art. VI derived from Ord. No. 87-22, §§ 1—3, 5-19-87; Ord. No. 88-64, § 1, 10-11-88)

State Law reference— Uniform Firearms Act, Chapter 790, F.S.

Sec. 18-96. - Waiting period; prohibition.

There shall be a mandatory five-day waiting period, which shall be five days, excluding weekends and legal holidays, in connection with the sale of firearms occurring within Broward County when the sale is a transfer of money or other valuable consideration, and any part of the sale transaction is conducted on property to which the public has the right of access. Some examples of properties to which the public has a right of access are: gun shows, firearm exhibits, wholesale and retail stores, and flea markets. No person shall transfer or receive a firearm to or from another person for five days from the hour of such sale, excluding weekends and legal holidays, when the sale is a transfer of money or other valuable consideration, and any part of the sale transaction is conducted on property to which the public has the right of access. An uninterrupted, continuous, and cumulative aggregate of 120 hours must elapse between such sale and receipt of the firearm, excluding the hours of weekends and legal holidays. A person who violates the prohibition of this Section is guilty of a violation of a county ordinance, punishable as provided in § 125.69, F.S. and the violation shall be prosecuted in the same manner as misdemeanors are prosecuted.

(Ord. No. 1998-45, § 1, 12-8-98)

Sec. 18-97. - Criminal history records check; requirement; prohibition.

- (a) *Legislative intent.* It is the intent of the Board of County Commissioners, in the exercise of its constitutionally-granted authority, to ensure that no firearm is sold, offered for sale, or transferred where any part of the transaction is conducted on property to which the public has a right of access unless a national criminal history background check is conducted. As of the dates of the enactment and effectiveness of this Ordinance, Florida statutory law only allows such checks to be performed for and by licensed dealers, licensed importers, and licensed manufacturers. Therefore, a buyer or seller who is not otherwise a licensed dealer, licensed importer, or licensed manufacturer must use a licensed dealer, licensed importer, or licensed manufacturer as an intermediary to ensure such checks are conducted.
- (b) *Requirement; prohibition.* There shall be a mandatory national criminal history records check done in connection with the sale of firearms occurring within Broward County. No person shall transfer or receive a firearm when any part of the sale transaction is conducted on property to which the public has the right of access until all procedures and requirements of § 790.065, F.S. have been complied with by a person statutorily authorized to conduct background information checks, and an approval number has been obtained and documented, as provided by § 790.065, F.S. In case of repeal or amendment of § 790.065, F.S., no person shall transfer or receive a firearm by sale when any part of the sale transaction is conducted on property to which the public has the right of access until all procedures, requirements, and prohibitions set forth in other federal or state laws relating to background checks have been complied with by persons selling or buying firearms. A person who

violates the prohibition of this Section is guilty of a violation of a county ordinance, punishable as provided in § 125.69, F.S. and the violation shall be prosecuted in the same manner as misdemeanors are prosecuted.

(Ord. No. 1998-45, § 2, 12-8-98)

Sec. 18-98. - Non-applicability to holders of Florida concealed weapon permits.

Pursuant to the Florida Constitution, when purchasing a firearm, holders of a Florida concealed weapon permit or license, as prescribed by general law, shall not be subject to the prohibitions and penalties of this article.

(Ord. No. 1998-45, § 3, 12-8-98)

Sec. 18-99. - Penalty.

Violation of a prohibition of this article shall be punishable by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment. Each violation of a prohibition of this article relating to a specific firearm shall constitute a separate and individual violation. Nothing contained herein shall be construed to preempt the imposition of higher penalties imposed by state or federal law.

(Ord. No. 1998-45, § 4, 12-8-98)

Secs. 18-100—18-110. - Reserved.