

## DIVISION 1. - GENERALLY

Secs. 36-62—36-80. - Reserved.

## DIVISION 2. - FIREARMS PURCHASES

Sec. 36-81. - Applicability.

This division shall be of Countywide force and effect.

(Ord. No. 09-60, § 1, 10-1-2009)

Sec. 36-82. - Definitions.

As used in this division:

*Antique firearm* means any firearm manufactured in or before 1918 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1918, and also any firearm using fixed ammunition manufactured in or before 1918, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

*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.

*Buyer* means the person or persons taking delivery of or transferring money or other valuable consideration for a firearm in any sale.

*Firearm* means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" includes rifles, shotguns and handguns, but does not include antique firearms. Additionally, the term "firearm" does not include nailguns, flareguns, bangsticks or other instruments not designed to be weapons.

*Handgun* means a firearm capable of being carried and used by one hand, such as a pistol or revolver.

*Law enforcement firearms buy-back program* means a program conducted by an agency or department of sworn law enforcement officers whereby firearms are turned in pursuant to the program in exchange for some item(s) of value, which firearms will subsequently be destroyed or otherwise rendered inoperable.

*Law enforcement officer* means:

- (1) A full-time law enforcement officer as defined in F.S. § 943.10(1) who holds an active law enforcement officer certification from the Criminal Justice Standards and Training Commission, and provides valid employment credentials from a law enforcement agency.
- (2) A part-time or auxiliary law enforcement officer as defined in F.S. § 943.10(6) and (8), who holds an active law enforcement officer certification from the Criminal Justice Standards and Training Commission and provides credentials demonstrating affiliation with a law enforcement agency.
- (3) A full-time correctional officer as defined in F.S. § 943.10(2) who holds an active correctional officer certification from the Criminal Justice Standards and Training Commission and is employed by the Hillsborough County Sheriff's Office as a corrections or detention officer.

- (4) A part-time or auxiliary correctional officer as defined in F.S. § 943.10(7) and (9), who holds an active correctional officer certification from the Criminal Justice Standards and Training Commission and is employed by the Hillsborough County Sheriff's Office as a reserve correctional or detention officer.

*Sale* means the transfer of money or other valuable consideration for any firearm when any part of the transaction is conducted on property in Hillsborough County, Florida to which the public has the right of access, except as provided in Section 36-86. Delivery of a firearm to a law enforcement firearms buy-back program shall not be deemed a sale for purposes of this division, regardless of whether money or other valuable consideration is exchanged for the firearm.

*Seller* means the person or persons delivering a firearm in any sale.

(Ord. No. 09-60, § 2, 10-1-2009)

Sec. 36-83. - Waiting period.

Except as provided in Section 36-85 and 36-86, there shall be a mandatory three-day waiting period, which shall be three days excluding weekends and legal holidays, between the hour of sale and the hour of delivery of any firearm. No seller shall deliver any firearm to any person that is not a licensed firearm dealer, importer, or manufacturer and no buyer that is not a licensed firearm dealer, importer, or manufacturer shall take delivery of any firearm unless 72 hours have elapsed between the time of sale and the time of delivery of the firearm.

(Ord. No. 09-60, § 3, 10-1-2009)

Sec. 36-84. - Criminal history records check.

- (a) It is the intent of this section that a criminal history records check be conducted for every buyer that is not a licensed firearm dealer, importer, or manufacturer in connection with the sale of any firearm and that no firearm be delivered to any such buyer for whom a unique approval number, as referenced in F.S. § 790.065, has not been issued by the Florida Department of Law Enforcement in connection with a background records check for the sale of a firearm to that buyer, except as provided in Sections 36-85 and 36-86. As of the effective date of this division (October 1, 2009), State law allows only licensed firearm dealers, importers and manufacturers to utilize the Florida Department of Law Enforcement telephone background check referenced in F.S. § 790.065. Therefore, a seller who is not a licensed firearm dealer, importer or manufacturer may use a licensed firearm dealer, importer, or manufacturer as an intermediary or otherwise ensure that a criminal history records check is conducted in a manner consistent with the requirements and provisions of this division for every buyer that is not a licensed firearm dealer, importer or manufacturer in connection with the sale of any firearm.
- (b) Except as provided in Sections 36-85 and 36-86, no seller shall deliver any firearm to a buyer that is not a licensed firearm dealer, importer, or manufacturer until the seller conducts or causes to be conducted a criminal history records check of the buyer in connection with any sale of a firearm. Such criminal history records check shall comply with all procedures and requirements of F.S. § 790.065.

(Ord. No. 09-60, § 4, 10-1-2009)

Sec. 36-85. - Law enforcement officers and concealed firearms license holders.

The requirements and provisions of Sections 36-83 and 36-84 are not applicable when the buyer of a firearm is a law enforcement officer as defined in Section 36-82, or is a holder of a license to carry concealed firearms issued by the Florida Department of Agriculture and Consumer Services pursuant to

F.S. § 790.06. If there is more than one buyer of a firearm, Sections 36-83 and 36-84 are applicable to each buyer who is not a law enforcement officer or a holder of a license to carry concealed firearms issued by the Florida Department of Agriculture and Consumer Services.

(Ord. No. 09-60, § 5, 10-1-2009)

Sec. 36-86. - Exemption for certain firearm trade in.

- (a) A trade in of an operable rifle, shotgun or handgun for a rifle or a shotgun shall not be deemed a sale for purposes of this division and such transaction shall be exempt from the provisions of this division.
- (b) A trade in of an operable handgun for another handgun shall not be deemed a sale for purposes of this division and such transaction shall be exempt from the provisions of this division.
- (c) A trade in of a rifle or shotgun for a handgun shall not be exempt from the definition of a sale and shall be subject to the provisions of this division.

(Ord. No. 09-60, § 6, 10-1-2009)

Sec. 36-87. - Penalties.

Any violation by any person of any requirement or provision of this division shall be prosecuted in the same manner as misdemeanors are prosecuted. Upon conviction, any person violating any requirement or provision of this division shall be punished 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.

(Ord. No. 09-60, § 7, 10-1-2009)

Sec. 36-88. - Severability.

If any section, sentence, clause, part, or provision of this division is held to be invalid by a court of competent jurisdiction, the remainder of this division shall not be affected thereby, but shall remain in full force and effect.

(Ord. No. 09-60, § 9, 10-1-2009)

Secs. 36-89—36-119. - Reserved.