

1 Any violation of Article III. Criminal History Records Check and Waiting Period for
2 Purchase of Firearms, presents a serious threat to the public health, safety, or welfare and the
3 violation is considered irreparable or irreversible.

4 Sec. 12-82. – Definitions.

5 The following words, terms and phrases, when used in this article, shall have the
6 meanings ascribed to them in this section, except where the context clearly indicates a different
7 meaning:

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

13 *Any part of the transaction* means any part of the sales transaction, including but not
14 limited to, the offer of sale, negotiations, the agreement to sell, the transfer of consideration, or
15 the transfer or delivery of the firearm.

16 *Business day* means a 24-hour day (beginning at 12:01 a.m.), excluding weekends and
17 legal holidays.

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

20 *FDLE* means the Florida Department of Law Enforcement.

21 *Firearm* means any weapon (including a starter gun) which will, is designed to, or may
22 readily be converted to expel a projectile by the action of an explosive; the frame or receiver of
23 any such weapon; any firearm muffler or firearm silencer; any destructive device; or any
24 machine gun. The term “firearm” does not include an antique firearm unless the antique firearm
25 is used in the commission of a crime.

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

28 *Licensed dealer* means a dealer licensed under the provisions of Title 27, Code of Federal
29 Regulations, Part 478, or any successor federal regulations requiring licenses for firearm dealers.

30 *Licensed importer* means an importer licensed under the provisions of Title 27, Code of
31 Federal Regulations, Part 478, or any successor federal regulations requiring licenses for firearm
32 importers.

33 *Licensed manufacturer* means a manufacturer licensed under the provisions of Title 27,
34 Code of Federal Regulations, Part 478, or any successor federal regulations requiring licenses for
35 firearm manufacturers.

36 *NICS* means the National Instant Criminal Background Check System established
37 pursuant to Title 18, United States Code, Section 922.

38 *Person* includes, but is not limited to, any individual, corporation, company, association,
39 firm partnership, society, or joint stock company.

1 *Prominently displayed* means standing out so as to be seen easily; conspicuous;
2 particularly noticeable.

3 *Property to which the public has the right of access* means any property open for public
4 access and expressly includes, but is not limited to, flea markets, gun shows, and firearms
5 exhibits.

6 *Sale* means the transfer of money or other valuable consideration for any firearm.

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

8 Sec. 12-83. – Mandatory three day waiting period.

9 There shall be a mandatory three day waiting period, which shall be three full days,
10 excluding weekends and legal holidays, in connection with the sale of firearms occurring within
11 the county when the sale involves a transfer of money or other valuable consideration, and any
12 part of the sale transaction is conducted on property to which the public has the right of access.
13 An uninterrupted, continuous, and cumulative aggregate of 72 hours must elapse between such
14 sale and receipt of the firearm, excluding the hours of weekends and legal holidays. A person
15 who violates the prohibition of this section is guilty of a violation of a county ordinance,
16 punishable as provided in F.S. § 125.69 (1), as it may be amended, and the violation shall be
17 prosecuted in the same manner as misdemeanors are prosecuted.

18 Sec. 12-84. – Mandatory criminal records check.

19 (a) No person, whether licensed or unlicensed, shall sell, offer for sale, transfer or
20 deliver any firearm to another person when any part of the transaction is conducted on property
21 to which the public has the right of access within Leon County until all procedures specified
22 under section 790.065, Florida Statutes, have been complied with by a person authorized by that
23 section to conduct a criminal history check of background information as specified in that
24 section, and the approval number set forth by that section has been obtained and documented. In
25 the event section 790.065, Florida Statutes is repealed, no person, whether licensed or
26 unlicensed, shall sell, offer for sale, transfer or deliver any firearm to another person when any
27 part of the transaction is conducted on property to which the public has the right of access until
28 all procedures specified under any other state or federal law which requires a national criminal
29 history information or national criminal history check on potential buyer or transferee of firearms
30 have been complied with by any person authorized by law to conduct the required national
31 criminal history or background records check and any required approval under such state or
32 federal law or rule has been obtained.

33 (b) In the case of a seller who is not a licensed importer, licensed manufacturer or
34 licensed dealer:

35 1. Compliance with section 790.065, F.S. or its state or federal successor
36 shall be achieved by the seller requesting that a licensed importer, licensed manufacturer or
37 licensed dealer complete all the requirements of section 790.065, F.S. or its state or federal
38 successor.

1 2. Licensed importers, manufacturers and dealers may charge a fee of an
2 unlicensed seller as established by the FDLE to cover costs associated with completing the
3 requirements of section 790.065, F.S.

4 3. An unlicensed seller must prominently display next to any firearms being
5 sold on property to which the public has the right of access the following information:

6 i. The full legal name of the seller.

7 ii. The name(s) of the licensed importer, licensed manufacturer, or
8 licensed dealer who will be completing the transaction of behalf of
9 the seller.

10 iii. The license number of the licensed importer, licensed manufacturer,
11 or licensed dealer who will be completing the transaction of behalf
12 of the seller.

13 (c) Sellers who conduct or cause to be conducted criminal history records checks
14 shall maintain records pursuant to Florida Statutes.

15 Sec. 12-85. – Posting of Ordinance.

16 Any activity or event in which firearms are permitted to be sold or transferred by persons
17 other than a licensed importer, licensed manufacturer or licensed dealer when any part of the
18 transaction is conducted on property to which the public has the right of access the person
19 hosting or putting on such activity or event must prominently display this Ordinance at all
20 entrances into the activity or event.

21 Sec. 12-86. – Exemptions.

22 (a) This division does not apply to the purchaser of firearms by holders of a Florida
23 concealed weapons or firearms permit or license issued pursuant to general law. However, this
24 exemption shall not relieve such purchasers from compliance with otherwise applicable state or
25 federal law requirements.

26 (b) Sales to a licensed importer, licensed manufacturer or licensed dealer shall not be
27 subject to the provisions of this section.

28 (c) Law enforcement officers, correctional officers or correctional probation officers
29 who are purchasing a handgun(s) for official use and who provide the seller with a certification
30 on agency letterhead, signed by a person in authority within the agency (other than the officer
31 purchasing the handgun) stating that the officer will use the handgun(s) in official duties and that
32 a records check reveals that the purchasing officer has no convictions for misdemeanor crimes of
33 domestic violence.

1 Sec. 12-87. – Applicability.

2 This ordinance shall be effective in the incorporated as well as unincorporated areas of
3 the county.

4 Sec. 12-88. – Enforcement.

5 Law enforcement officers and code inspectors shall enforce the provisions of this section
6 against any person found violating these provisions within their jurisdiction.

7 For the purpose of enforcing the provisions contained herein the violator does not have to
8 be provided a reasonable time period to correct the violation and may immediately be cited or
9 issued a notice to appear, as any violation of the provisions contained in this Article presents a
10 serious threat to the public health, safety, or welfare, and the violation is irreparable or
11 irreversible.

12 Sec. 12-89. – Penalty.

13 Any violation by any person of any requirement or provision of this Article shall be
14 prosecuted in the same manner as misdemeanors are prosecuted. Upon conviction, any person
15 violating any requirement or provision of this section shall be punished by a fine not to exceed
16 \$500.00 or by imprisonment in the Leon County Detention Center not to exceed 60 days or by
17 both such fine and imprisonment as provided in F.S. § 125.069, as it may be amended.

18 Secs. 12-90—12-110. - Reserved.

19 **SECTION 2. Conflicts.** All ordinances or parts of ordinances in conflict with the
20 provisions of this ordinance are hereby repealed to the extent of such conflict.

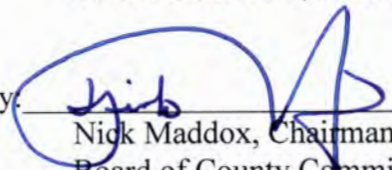
21
22 **SECTION 3. Severability.** If any word, phrase, clause, section or portion of this
23 Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such
24 portion or words shall be deemed a separate and independent provision and such holding shall
25 not affect the validity of the remaining portions thereof.

26
27 **SECTION 4. Effective date.** This Ordinance shall have effect upon becoming law.

28
29 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
30 County, Florida this 10th day of April, 2018.

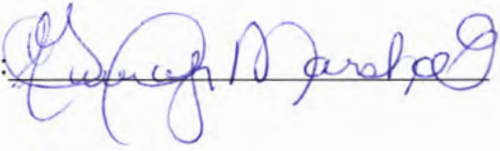
31
32
33
34
35
36
37
38
39
40

LEON COUNTY, FLORIDA


By: 
Nick Maddox, Chairman
Board of County Commissioners



1 ATTESTED BY:
2 GWEN MARSHALL,
3 CLERK OF THE CIRCUIT COURT AND COMPTROLLER
4 LEON COUNTY, FLORIDA

5
6
7 By: 

10 APPROVED AS TO FORM:
11 COUNTY ATTORNEY'S OFFICE
12 LEON COUNTY, FLORIDA

13
14
15 By: 
16 HERBERT W. A. THIELE, ESQ.
17 COUNTY ATTORNEY

18