

State Laws and Published Ordinances – Florida

Current through the 2019 Session of the Florida Legislature.

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Alachua County
Bellevue
Brooksville
Broward County
Cinco Bayou
Clewiston
Collier County
Cutler Bay
Dania Beach
Deerfield Beach
Doral
Fort Lauderdale
Green Cove
Gulf Breeze
Gulfport
Haines City
Hallandale Beach
Hawthorne
Hialeah
Hialeah Gardens
Hillsborough County
Hollywood
Jacksonville
Jacksonville Beach
Lauderdale Lakes
Lauderhille
Leon County
Macclenny
Margate
Marion County
Martin County
Miami
Miami Dade County

Miami Lakes
Miami Shores
Miami Springs
Milton
Miramar
North Lauderdale
North Miami
North Port
Oakland Park
Orange County
Orange Park
Orlando
Palm Bay
Palm Beach County
Palm Shores
Palmetto Bay
Parkland
Pensacola
Pinellas County
Plant City
Plantation
Riviera Beach
Sarasota County
South Daytona
South Miami
St. Lucie County
Sumter County
Sweetwater
Volusia County
West Palm Beach
West Park
Weston
Winter Springs

Title XLIII – Domestic Relations
Chapter 741 – Marriage; Domestic Violence

Section 741.31. Violation of an injunction for protection against domestic violence.

(4)

(b)

1. It is a violation of s. 790.233, and a misdemeanor of the first degree, for a person to violate a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.
2. It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this paragraph shall not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

Title XLVI – Crimes
Chapter 790 – Weapons and Firearms

Section 790.001. Definitions.

As used in this chapter, except where the context otherwise requires:

(1) “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.

(2) “Concealed firearm” means any firearm, as defined in subsection (6), which is carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another person.

(3)

(a) “Concealed weapon” means any dirk, metallic knuckles, billie, tear gas gun, chemical weapon or device, or other deadly weapon carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person.

(4) “Destructive device” means any bomb, grenade, mine, rocket, missile, pipebomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms; any type of weapon which will, is designed to, or may readily be converted to expel a projectile by the action of any explosive and which has a barrel with a bore of one-half inch or more in diameter; and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. “Destructive device” does not include:

(a) A device which is not designed, redesigned, used, or intended for use as a weapon;

(b) Any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device;

(c) Any shotgun other than a short-barreled shotgun; or

(d) Any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.

(5) “Explosive” means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, and detonators; but not including:

(a) Shotgun shells, cartridges, or ammunition for firearms;

(b) Fireworks as defined in § 791.01;

(c) Smokeless propellant powder or small arms ammunition primers, if possessed, purchased, sold, transported, or used in compliance with § 552.241;

(d) Black powder in quantities not to exceed that authorized by chapter 552, or by any rules adopted thereunder by the Department of Financial Services, when used for, or intended to be used for, the manufacture of target and sporting ammunition or for use in muzzle-loading flint or percussion weapons.

The exclusions contained in paragraphs (a)-(d) do not apply to the term “explosive” as used in the definition of “firearm” in subsection (6).

(6) “**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” does not include an antique firearm unless the antique firearm is used in the commission of a crime.

(7) “**Indictment**” means an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding 1 year may be prosecuted.

(8) “**Law enforcement officer**” means:

(a) All officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, who have authority to make arrests;

(b) Officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, duly authorized to carry a concealed weapon;

(c) Members of the Armed Forces of the United States, the organized reserves, state militia, or Florida National Guard, when on duty, when preparing themselves for, or going to or from, military duty, or under orders;

(d) An employee of the state prisons or correctional systems who has been so designated by the Department of Corrections or by a warden of an institution;

(e) All peace officers;

(f) All state attorneys and United States attorneys and their respective assistants and investigators.

(9) “**Machine gun**” means any firearm, as defined herein, which shoots, or is designed to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger.

(10) “**Short-barreled shotgun**” means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(11) “**Short-barreled rifle**” means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(13) “**Weapon**” means any ... tear gas gun, chemical weapon or device, or other deadly weapon except a firearm

(16) “**Readily accessible for immediate use**” means that a firearm or other weapon is carried on the person or within such close proximity and in such a manner that it can be retrieved and used as easily and quickly as if carried on the person.

(17) “**Securely encased**” means in a glove compartment, whether or not locked; snapped in a holster; in a gun case, whether or not locked; in a zippered gun case; or in a closed box or container which requires a lid or cover to be opened for access.

(19) “**Ammunition**” means an object consisting of all of the following:

(a) A fixed metallic or nonmetallic hull or casing containing a primer.

(b) One or more projectiles, 1 or more bullets, or shot.

(c) Gunpowder.

All of the specified components must be present for an object to be ammunition.

Section 790.064. Firearm possession and firearm ownership disability.

(1) A person who has been adjudicated mentally defective or who has been committed to a mental institution, as those terms are defined in s. 790.065(2), may not own a firearm or possess a firearm until relief from the firearm possession and firearm ownership disability is obtained.

(2) The firearm possession and firearm ownership disability runs concurrently with the firearm purchase disability provided in s. 790.065(2).

(3) A person may petition the court that made the adjudication or commitment, or that ordered that the record be submitted to the Department of Law Enforcement pursuant to s. 790.065(2), for relief from the firearm possession and firearm ownership disability.

(4) The person seeking relief must follow the procedures set forth in s. 790.065(2) for obtaining relief from the firearm purchase disability in seeking relief from the firearm possession and firearm ownership disability.

(5) The person may seek relief from the firearm possession and firearm ownership disability simultaneously with the relief being sought from the firearm purchase disability, if such relief is sought, pursuant to the procedure set forth in s. 790.065(2).

Section 790.065. Sale and delivery of firearms.

(1)

(a) A licensed importer, licensed manufacturer, or licensed dealer may not sell or deliver from her or his inventory at her or his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until she or he has:

1. Obtained a completed form from the potential buyer or transferee, which form shall have been promulgated by the Department of Law Enforcement and provided by the licensed importer, licensed manufacturer, or licensed dealer, which shall include the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee and has inspected proper identification including an identification containing a photograph of the potential buyer or transferee.

2. Collected a fee from the potential buyer for processing the criminal history check of the potential buyer. The fee shall be established by the Department of Law Enforcement and may not exceed \$8 per transaction. The Department of Law Enforcement may reduce, or suspend collection of, the fee to reflect payment received from the Federal Government applied to the cost of maintaining the criminal history check system established by this section as a means of facilitating or supplementing the National Instant Criminal Background Check System. The Department of Law Enforcement shall, by rule, establish procedures for the fees to be transmitted by the licensee to the Department of Law Enforcement. Such procedures must provide that fees may be paid or transmitted by electronic means, including, but not limited to, debit cards, credit cards, or electronic funds transfers. All such fees shall be deposited into the Department of Law Enforcement Operating Trust Fund, but shall be segregated from all other funds deposited into such trust fund and must be accounted for separately. Such segregated funds must not be used for any purpose other than the operation of the criminal history checks required by this section. The Department of Law Enforcement, each year before February 1, shall make a full accounting of all receipts and expenditures of such funds to the President of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of each house of the Legislature, and the chairs of the appropriations committees of each house of the Legislature. In the event that the cumulative amount of funds collected exceeds the cumulative amount of expenditures by more than \$2.5 million, excess funds may be used for the purpose of purchasing soft body armor for law enforcement officers.

3. Requested, by means of a toll-free telephone call or other electronic means, the Department of Law Enforcement to conduct a check of the information as reported and reflected in the Florida Crime Information Center and National Crime Information Center systems as of the date of the request.

4. Received a unique approval number for that inquiry from the Department of Law Enforcement, and recorded the date and such number on the consent form.

(b) However, if the person purchasing, or receiving delivery of, the firearm is a holder of a valid concealed weapons or firearms license pursuant to the provisions of § 790.06 or holds an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," a "correctional officer," or a "correctional probation officer" as defined in § 943.10(1), (2), (3), (6), (7), (8), or (9), this subsection does not apply.

(c) This subsection does not apply to the purchase, trade, or transfer of a rifle or shotgun by a resident of this state when the resident makes such purchase, trade, or transfer from a licensed importer, licensed manufacturer, or licensed dealer in another state.

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(a) Review any records available to determine if the potential buyer or transferee:

1. Has been convicted of a felony and is prohibited from receipt or possession of a firearm pursuant to § 790.23;
2. Has been convicted of a misdemeanor crime of domestic violence, and therefore is prohibited from purchasing a firearm;

3. Has had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred; or

4. Has been adjudicated mentally defective or has been committed to a mental institution by a court or as provided in sub-sub-subparagraph b.(II), and as a result is prohibited by state or federal law from purchasing a firearm.

a. As used in this subparagraph, “**adjudicated mentally defective**” means a determination by a court that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease, is a danger to himself or herself or to others or lacks the mental capacity to contract or manage his or her own affairs. The phrase includes a judicial finding of incapacity under § 744.331(6)(a), an acquittal by reason of insanity of a person charged with a criminal offense, and a judicial finding that a criminal defendant is not competent to stand trial.

b. As used in this subparagraph, “**committed to a mental institution**” means:

(I) Involuntary commitment, commitment for mental defectiveness or mental illness, and commitment for substance abuse. The phrase includes involuntary inpatient placement as defined in § 394.467, involuntary outpatient placement as defined in § 394.4655, involuntary assessment and stabilization under § 397.6818, and involuntary substance abuse treatment under § 397.6957, but does not include a person in a mental institution for observation or discharged from a mental institution based upon the initial review by the physician or a voluntary admission to a mental institution; or

(II) Notwithstanding sub-sub-subparagraph (I), voluntary admission to a mental institution for outpatient or inpatient treatment of a person who had an involuntary examination under § 394.463, where each of the following conditions have been met:

(A) An examining physician found that the person is an imminent danger to himself or herself or others.

(B) The examining physician certified that if the person did not agree to voluntary treatment, a petition for involuntary outpatient or inpatient treatment would have been filed under § 394.463(2)(g)4., or the examining physician certified that a petition was filed and the person subsequently agreed to voluntary treatment prior to a court hearing on the petition.

(C) Before agreeing to voluntary treatment, the person received written notice of that finding and certification, and written notice that as a result of such finding, he or she may be prohibited from purchasing a firearm, and may not be eligible to apply for or retain a concealed weapon or firearms license under § 790.06 and the person acknowledged such notice in writing, in substantially the following form:

“I understand that the doctor who examined me believes I am a danger to myself or to others. I understand that if I do not agree to voluntary treatment, a petition will be filed in court to require me to receive involuntary treatment. I understand that if that petition is filed, I have the right to contest it. In the event a petition has been filed, I understand that I can subsequently agree to voluntary treatment prior to a court hearing. I understand that by agreeing to voluntary treatment in either of these situations, I may be prohibited from buying firearms and from applying for or retaining a concealed weapons or firearms license until I apply for and receive relief from that restriction under Florida law.”

(D) A judge or a magistrate has, pursuant to sub-sub-subparagraph c.(II), reviewed the record of the finding, certification, notice, and written acknowledgment classifying the person as an imminent danger to himself or herself or others, and ordered that such record be submitted to the department.

c. In order to check for these conditions, the department shall compile and maintain an automated database of persons who are prohibited from purchasing a firearm based on court records of adjudications of mental defectiveness or commitments to mental institutions.

(I) Except as provided in sub-sub-subparagraph (II), clerks of court shall submit these records to the department within 1 month after the rendition of the adjudication or commitment. Reports shall be submitted in an automated format. The reports must, at a minimum, include the name, along with any known alias or former name, the sex, and the date of birth of the subject.

(II) For persons committed to a mental institution pursuant to sub-sub-subparagraph b.(II), within 24 hours after the person’s agreement to voluntary admission, a record of the finding, certification, notice, and written acknowledgment must be filed by the administrator of the receiving or treatment facility, as defined in § 394.455, with the clerk of the court for the county in which the involuntary examination under § 394.463 occurred. No fee shall be charged for the filing under this sub-sub-subparagraph. The clerk must

present the records to a judge or magistrate within 24 hours after receipt of the records. A judge or magistrate is required and has the lawful authority to review the records ex parte and, if the judge or magistrate determines that the record supports the classifying of the person as an imminent danger to himself or herself or others, to order that the record be submitted to the department. If a judge or magistrate orders the submittal of the record to the department, the record must be submitted to the department within 24 hours.

d. A person who has been adjudicated mentally defective or committed to a mental institution, as those terms are defined in this paragraph, may petition the court that made the adjudication or commitment, or the court that ordered that the record be submitted to the department pursuant to sub-sub-subparagraph c.(II), for relief from the firearm disabilities imposed by such adjudication or commitment. A copy of the petition shall be served on the state attorney for the county in which the person was adjudicated or committed. The state attorney may object to and present evidence relevant to the relief sought by the petition. The hearing on the petition may be open or closed as the petitioner may choose. The petitioner may present evidence and subpoena witnesses to appear at the hearing on the petition. The petitioner may confront and cross-examine witnesses called by the state attorney. A record of the hearing shall be made by a certified court reporter or by court-approved electronic means. The court shall make written findings of fact and conclusions of law on the issues before it and issue a final order. The court shall grant the relief requested in the petition if the court finds, based on the evidence presented with respect to the petitioner's reputation, the petitioner's mental health record and, if applicable, criminal history record, the circumstances surrounding the firearm disability, and any other evidence in the record, that the petitioner will not be likely to act in a manner that is dangerous to public safety and that granting the relief would not be contrary to the public interest. If the final order denies relief, the petitioner may not petition again for relief from firearm disabilities until 1 year after the date of the final order. The petitioner may seek judicial review of a final order denying relief in the district court of appeal having jurisdiction over the court that issued the order. The review shall be conducted de novo. Relief from a firearm disability granted under this sub-subparagraph has no effect on the loss of civil rights, including firearm rights, for any reason other than the particular adjudication of mental defectiveness or commitment to a mental institution from which relief is granted.

e. Upon receipt of proper notice of relief from firearm disabilities granted under sub-subparagraph d., the department shall delete any mental health record of the person granted relief from the automated database of persons who are prohibited from purchasing a firearm based on court records of adjudications of mental defectiveness or commitments to mental institutions.

f. The department is authorized to disclose data collected pursuant to this subparagraph to agencies of the Federal Government and other states for use exclusively in determining the lawfulness of a firearm sale or transfer. The department is also authorized to disclose this data to the Department of Agriculture and Consumer Services for purposes of determining eligibility for issuance of a concealed weapons or concealed firearms license and for determining whether a basis exists for revoking or suspending a previously issued license pursuant to § 790.06(10). When a potential buyer or transferee appeals a nonapproval based on these records, the clerks of court and mental institutions shall, upon request by the department, provide information to help determine whether the potential buyer or transferee is the same person as the subject of the record. Photographs and any other data that could confirm or negate identity must be made available to the department for such purposes, notwithstanding any other provision of state law to the contrary. Any such information that is made confidential or exempt from disclosure by law shall retain such confidential or exempt status when transferred to the department.

(b) Inform the licensee making the inquiry either that records demonstrate that the buyer or transferee is so prohibited and provide the licensee a nonapproval number, or provide the licensee with a unique approval number.

(c)

1. Review any records available to it to determine whether the potential buyer or transferee has been indicted or has had an information filed against her or him for an offense that is a felony under either state or federal law, or, as mandated by federal law, has had an injunction for protection against domestic violence entered against the potential buyer or transferee under § 741.30, has had an injunction for protection against repeat violence entered against the potential buyer or transferee under § 784.046, or has been arrested for a dangerous crime as specified in § 907.041(4)(a) or for any of the following enumerated offenses:

- a.** Criminal anarchy under §§. 876.01 and 876.02.
- b.** Extortion under § 836.05.
- c.** Explosives violations under § 552.22(1) and (2).
- d.** Controlled substances violations under chapter 893.

- e. Resisting an officer with violence under § 843.01.
- f. Weapons and firearms violations under this chapter.
- g. Treason under § 876.32.
- h. Assisting self-murder under § 782.08.
- i. Sabotage under § 876.38.
- j. Stalking or aggravated stalking under § 784.048.

If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the licensee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, "working hours" means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the department cannot determine the disposition information within the allotted time period, the department shall provide the licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional nonapproval number shall become a nonapproval number.

7. The department shall continue its attempts to obtain the disposition information and may retain a record of all approval numbers granted without sufficient disposition information. If the department later obtains disposition information which indicates:

a. That the potential buyer is not prohibited from owning a firearm, it shall treat the record of the transaction in accordance with this section; or

b. That the potential buyer is prohibited from owning a firearm, it shall immediately revoke the conditional approval number and notify local law enforcement.

8. During the time that disposition of the indictment, information, or arrest is pending and until the department is notified by the potential buyer that there has been a final disposition of the indictment, information, or arrest, the conditional nonapproval number shall remain in effect.

(3) In the event of scheduled computer downtime, electronic failure, or similar emergency beyond the control of the Department of Law Enforcement, the department shall immediately notify the licensee of the reason for, and estimated length of, such delay. After such notification, the department shall forthwith, and in no event later than the end of the next business day of the licensee, either inform the requesting licensee if its records demonstrate that the buyer or transferee is prohibited from receipt or possession of a firearm pursuant to Florida and Federal law or provide the licensee with a unique approval number. Unless notified by the end of said next business day that the buyer or transferee is so prohibited, and without regard to whether she or he has received a unique approval number, the licensee may complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

(4)

(a) Any records containing any of the information set forth in subsection (1) pertaining to a buyer or transferee who is not found to be prohibited from receipt or transfer of a firearm by reason of Florida and federal law which records are created by the Department of Law Enforcement to conduct the criminal history record check shall be confidential and exempt from the provisions of § 119.07(1) and may not be disclosed by the Department of Law Enforcement or any officer or employee thereof to any person or to another agency. The Department of Law Enforcement shall destroy any such records forthwith after it communicates the approval and nonapproval numbers to the licensee and, in any event, such records shall be destroyed within 48 hours after the day of the response to the licensee's request.

(b) Notwithstanding the provisions of this subsection, the Department of Law Enforcement may maintain records of NCIC transactions to the extent required by the Federal Government, and may maintain a log of dates of requests for criminal history records checks, unique approval and nonapproval numbers, license identification numbers, and transaction numbers corresponding to such dates for a period of not longer than 2 years or as otherwise required by law.

(c) Nothing in this chapter shall be construed to allow the State of Florida to maintain records containing the names of purchasers or transferees who receive unique approval numbers or to maintain records of firearm transactions.

(d) Any officer or employee, or former officer or employee of the Department of Law Enforcement or law enforcement agency who intentionally and maliciously violates the provisions of this subsection commits a felony of the third degree.

(5) The Department of Law Enforcement shall establish a toll-free telephone number which shall be operational 7 days a week with the exception of Christmas Day and New Year's Day, for a period of 12 hours a day beginning at 9 a.m. and ending at 9 p.m., for purposes of responding to inquiries as described in this section from licensed manufacturers, licensed importers, and licensed dealers. The Department of Law Enforcement shall employ and train such personnel as are necessary expeditiously to administer the provisions of this section.

(6) Any person who is denied the right to receive or purchase a firearm as a result of the procedures established by this section may request a criminal history records review and correction in accordance with the rules promulgated by the Department of Law Enforcement.

(7) It shall be unlawful for any licensed dealer, licensed manufacturer, or licensed importer willfully and intentionally to request criminal history record information under false pretenses, or willfully and intentionally to disseminate criminal history record information to any person other than the subject of such information. Any person convicted of a violation of this subsection commits a felony of the third degree.

(8) The Department of Law Enforcement shall promulgate regulations to ensure the identity, confidentiality, and security of all records and data provided pursuant to this section.

(9) This section shall become effective at such time as the Department of Law Enforcement has notified all licensed importers, licensed manufacturers, and licensed dealers in writing that the procedures and toll-free number described in this section are operational. This section shall remain in effect only during such times as the procedures described in subsection (2) remain operational.

(10) A licensed importer, licensed manufacturer, or licensed dealer is not required to comply with the requirements of this section in the event of:

(a) Unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of said premises; or the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee; or

(b) Failure of the Department of Law Enforcement to comply with the requirements of subsections (2) and (3).

(11) Compliance with the provisions of this chapter shall be a complete defense to any claim or cause of action under the laws of any state for liability for damages arising from the importation or manufacture, or the subsequent sale or transfer to any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, of any firearm which has been shipped or transported in interstate or foreign commerce. The Department of Law Enforcement, its agents and employees shall not be liable for any claim or cause of action under the laws of any state for liability for damages arising from its actions in lawful compliance with this section.

(12)

(a) Any potential buyer or transferee who willfully and knowingly provides false information or false or fraudulent identification commits a felony of the third degree.

(b) Any licensed importer, licensed manufacturer, or licensed dealer who violates the provisions of subsection (1) commits a felony of the third degree.

(c) Any employee or agency of a licensed importer, licensed manufacturer, or licensed dealer who violates the provisions of subsection (1) commits a felony of the third degree.

(d) Any person who knowingly acquires a firearm through purchase or transfer intended for the use of a person who is prohibited by state or federal law from possessing or receiving a firearm commits a felony of the third degree.

(13) A person younger than 21 years of age may not purchase a firearm. The sale or transfer of a firearm to a person younger than 21 years of age may not be made or facilitated by a licensed importer, licensed manufacturer, or licensed dealer. A person who violates this subsection commits a felony of the third degree. The prohibitions of this subsection do not apply to the purchase of a rifle or shotgun by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a service member as defined in s. 250.01.

(14) This section does not apply to employees of sheriff's offices, municipal police departments, correctional facilities or agencies, or other criminal justice or governmental agencies when the purchases or transfers are made on behalf of an employing agency for official law enforcement purposes.

Section 790.0655. Purchase and delivery of firearms; mandatory waiting period; exceptions; penalties.

(1)

(a) A mandatory waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is 3 days, excluding weekends and legal holidays, or expires upon the completion of the records checks required under s. 790.065, whichever occurs later. **"Purchase"** means the transfer of money or other valuable consideration to the retailer. **"Retailer"** means and includes a licensed importer, licensed manufacturer, or licensed dealer engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as defined in s. 212.02(13).

(b) Records of firearm sales must be available for inspection by any law enforcement agency, as defined in s. 934.02, during normal business hours.

(2) The waiting period does not apply in the following circumstances:

(a) When a firearm is being purchased by a holder of a concealed weapons permit as defined in s. 790.06.

(b) To a trade-in of another firearm.

(c) To the purchase of a rifle or shotgun, upon a person's successfully completing a minimum of a 16-hour hunter safety course and possessing a hunter safety certification card issued under s. 379.3581. A person who is exempt from the hunter safety course requirements under s. 379.3581 and holds a valid Florida hunting license, is exempt from the mandatory waiting period under this section for the purchase of a rifle or shotgun.

(d) When a rifle or shotgun is being purchased by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a service member as defined in s. 250.01.

(3) It is a felony of the third degree:

(a) For any retailer, or any employee or agent of a retailer, to deliver a firearm before the expiration of the waiting period, subject to the exceptions provided in subsection (2).

(b) For a purchaser to obtain delivery of a firearm by fraud, false pretense, or false representation.

Section 790.115. Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.

(1) A person who exhibits any sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon as defined in § 790.001(13), including a razor blade, box cutter, or common pocketknife, except as authorized in support of school-sanctioned activities, in the presence of one or more persons in a rude, careless, angry, or threatening manner and not in lawful self-defense, at a school-sponsored event or on the grounds or facilities of any school, school bus, or school bus stop, or within 1,000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity, commits a felony of the third degree. This subsection does not apply to the exhibition of a firearm or weapon on private real property within 1,000 feet of a school by the owner of such property or by a person whose presence on such property has been authorized, licensed, or invited by the owner.

(2)

(a) A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon as defined in § 790.001(13), including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, at a school-sponsored event or on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;

2. In a case to a career center having a firearms training range; or

3. In a vehicle pursuant to § 790.25(5); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.

For the purposes of this section, **"school"** means any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

(3) This section does not apply to any law enforcement officer as defined in § 943.10(1), (2), (3), (4), (6), (7), (8), (9), or (14).

Section 790.161. Making, possessing, throwing, projecting, placing, or discharging any destructive device or attempt so to do, felony; penalties.

A person who willfully and unlawfully makes, possesses, throws, projects, places, discharges, or attempts to make, possess, throw, project, place, or discharge any destructive device:

(1) Commits a felony of the third degree.

(2) If the act is perpetrated with the intent to do bodily harm to any person, or with the intent to do property damage, or if the act results in a disruption of governmental operations, commerce, or the private affairs of another person, commits a felony of the second degree.

(3) If the act results in bodily harm to another person or in property damage, commits a felony of the first degree.

(4) If the act results in the death of another person, commits a capital felony.

Section 790.1612. Authorization for governmental manufacture, possession, and use of destructive devices.

The governing body of any municipality or county and the Division of State Fire Marshal of the Department of Financial Services have the power to authorize the manufacture, possession, and use of destructive devices as defined in § 790.001(4).

Section 790.17. Furnishing weapons to minors under 18 years of age or persons of unsound mind and furnishing firearms to minors under 18 years of age prohibited.

(1) A person who sells, hires, barter, lends, transfers, or gives any minor under 18 years of age any dirk, electric weapon or device, or other weapon, other than an ordinary pocketknife, without permission of the minor's parent or guardian, or sells, hires, barter, lends, transfers, or gives to any person of unsound mind an electric weapon or device or any dangerous weapon, other than an ordinary pocketknife, commits a misdemeanor of the first degree.

(2)

(a) A person may not knowingly or willfully sell or transfer a firearm to a minor under 18 years of age, except that a person may transfer ownership of a firearm to a minor with permission of the parent or guardian. A person who violates this paragraph commits a felony of the third degree.

(b) The parent or guardian must maintain possession of the firearm except pursuant to § 790.22.

Section 790.174. Safe storage of firearms required.

(1) A person who stores or leaves, on a premise under his or her control, a loaded firearm, as defined in § 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor, or without the supervision required by law, shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure it with a trigger lock, except when the person is carrying the firearm on his or her body or within such close proximity thereto that he or she can retrieve and use it as easily and quickly as if he or she carried it on his or her body.

(2) It is a misdemeanor of the second degree, if a person violates subsection (1) by failing to store or leave a firearm in the required manner and as a result thereof a minor gains access to the firearm, without the lawful permission of the minor's parent or the person having charge of the minor, and possesses or exhibits it, without the supervision required by law:

(a) In a public place; or

(b) In a rude, careless, angry, or threatening manner in violation of § 790.10.

This subsection does not apply if the minor obtains the firearm as a result of an unlawful entry by any person.

(3) As used in this act, the term "minor" means any person under the age of 16.

Section 790.175. Transfer or sale of firearms; required warnings; penalties.

(1) Upon the retail commercial sale or retail transfer of any firearm, the seller or transferor shall deliver a written warning to the purchaser or transferee, which warning states, in block letters not less than 1/4 inch in height:

"IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, FOR ANY ADULT TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS OF AGE OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF UNSOUND MIND."

(2) Any retail or wholesale store, shop, or sales outlet which sells firearms must conspicuously post at each purchase counter the following warning in block letters not less than 1 inch in height:

"IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS OF AGE OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF UNSOUND MIND."

(3) Any person or business knowingly violating a requirement to provide warning under this section commits a misdemeanor of the second degree.

Section 790.18. Sale or transfer of arms to minors by dealers.

It is unlawful for any dealer in arms to sell or transfer to a minor any firearm, pistol, Springfield rifle or other repeating rifle.... A person who violates this section commits a felony of the second degree.

Section 790.22. Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.

(2) Any adult responsible for the welfare of any child under the age of 16 years who knowingly permits such child to use or have in his or her possession any BB gun, air or gas-operated gun, electric weapon or device, or firearm in violation of the provisions of subsection (1) of this section commits a misdemeanor of the second degree.

(3) A minor under 18 years of age may not possess a firearm, other than an unloaded firearm at his or her home, unless:

(a) The minor is engaged in a lawful hunting activity and is:

1. At least 16 years of age; or

2. Under 16 years of age and supervised by an adult.

(b) The minor is engaged in a lawful marksmanship competition or practice or other lawful recreational shooting activity and is:

1. At least 16 years of age; or

2. Under 16 years of age and supervised by an adult who is acting with the consent of the minor's parent or guardian.

(c) The firearm is unloaded and is being transported by the minor directly to or from an event authorized in paragraph (a) or paragraph (b).

(4)

(a) Any parent or guardian of a minor, or other adult responsible for the welfare of a minor, who knowingly and willfully permits the minor to possess a firearm in violation of subsection (3) commits a felony of the third degree.

(5)

(a) A minor who violates subsection (3) commits a misdemeanor of the first degree.

(b) For a second or subsequent offense, a minor who violates subsection (3) commits a felony of the third degree.

(6) Any firearm that is possessed or used by a minor in violation of this section shall be promptly seized by a law enforcement officer and disposed of in accordance with § 790.08(1)-(6).

(7) The provisions of this section are supplemental to all other provisions of law relating to the possession, use, or exhibition of a firearm.

Section 790.221. Possession of short-barreled rifle, short-barreled shotgun, or machine gun; penalty.

(1) It is unlawful for any person to own or to have in his or her care, custody, possession, or control any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may readily be made, operable; but this section shall not apply to antique firearms.

(2) A person who violates this section commits a felony of the second degree.

(3) Firearms in violation hereof which are lawfully owned and possessed under provisions of federal law are excepted.

Section 790.222. Bump-fire stocks prohibited.

A person may not import into this state or transfer, distribute, sell, keep for sale, offer for sale, possess, or give to another person a bump-fire stock. A person who violates this section commits a felony of the third degree. As used in this section, the term "**bump-fire stock**" means a conversion kit, a tool, an accessory, or a device used to alter the rate of fire of a firearm to mimic automatic weapon fire or which is used to increase the rate of fire to a faster rate than is possible for a person to fire such semiautomatic firearm unassisted by a kit, a tool, an accessory, or a device.

Section 790.23. Felons and delinquents; possession of firearms, ammunition, or electric weapons or devices unlawful.

(1) It is unlawful for any person to own or to have in his or her care, custody, possession, or control any firearm, ammunition, or electric weapon or device, or to carry a concealed weapon, including a tear gas gun or chemical weapon or device, if that person has been:

(a) Convicted of a felony in the courts of this state;

(b) Found, in the courts of this state, to have committed a delinquent act that would be a felony if committed by an adult and such person is under 24 years of age;

(c) Convicted of or found to have committed a crime against the United States which is designated as a felony;

(d) Found to have committed a delinquent act in another state, territory, or country that would be a felony if committed by an adult and which was punishable by imprisonment for a term exceeding 1 year and such person is under 24 years of age; or

(e) Found guilty of an offense that is a felony in another state, territory, or country and which was punishable by imprisonment for a term exceeding 1 year.

(2) This section shall not apply to a person:

(a) Convicted of a felony whose civil rights and firearm authority have been restored.

(b) Whose criminal history record has been expunged pursuant to § 943.0515(1)(b).

(3) Except as otherwise provided in subsection (4), any person who violates this section commits a felony of the second degree.

(4) Notwithstanding the provisions of § 874.04, if the offense described in subsection (1) has been committed by a person who has previously qualified or currently qualifies for the penalty enhancements provided for in § 874.04, the offense is a felony of the first degree.

Section 790.233. Possession of firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking; penalties.

(1) A person may not have in his or her care, custody, possession, or control any firearm or ammunition if the person has been issued a final injunction that is currently in force and effect, restraining that person from committing acts of domestic violence, as issued under § 741.30 or from committing acts of stalking or cyberstalking, as issued under § 784.0485.

(2) A person who violates subsection (1) commits a misdemeanor of the first degree.

(3) It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this section does not apply to a state or local officer as defined in § 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

Section 790.235. Possession of firearm or ammunition by violent career criminal unlawful; penalty.

(1) Any person who meets the violent career criminal criteria under § 775.084(1)(d), regardless of whether such person is or has previously been sentenced as a violent career criminal, who owns or has in his or her care, custody, possession, or control any firearm, ammunition, or electric weapon or device, or carries a concealed weapon, including a tear gas gun or chemical weapon or device, commits a felony of the first degree.

(2) For purposes of this section, the previous felony convictions necessary to meet the violent career criminal criteria under § 775.084(1)(d) may be convictions for felonies committed as an adult or adjudications of delinquency for felonies committed as a juvenile. In order to be counted as a prior felony for purposes of this section, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense, and sentenced or adjudicated separately from any other felony that is to be counted as a prior felony.

(3) This section shall not apply to a person whose civil rights and firearm authority have been restored.

Section 790.27. Alteration or removal of firearm serial number or possession, sale, or delivery of firearm with serial number altered or removed prohibited; penalties.

(1)

(a) It is unlawful for any person to knowingly alter or remove the manufacturer's or importer's serial number from a firearm with intent to disguise the true identity thereof.

(b) Any person violating paragraph (a) is guilty of a felony of the third degree.

(2)

(a) It is unlawful for any person to knowingly sell, deliver, or possess any firearm on which the manufacturer's or importer's serial number has been unlawfully altered or removed.

(b) Any person violating paragraph (a) is guilty of a misdemeanor of the first degree.

(3) This section shall not apply to antique firearms.

Section 790.31. Armor-piercing or exploding ammunition or dragon's breath shotgun shells, bolo shells, or flechette shells prohibited.

(1) As used in this section, the term:

(a) **"Armor-piercing bullet"** means any bullet which has a steel inner core or core of equivalent hardness and a truncated cone and which is designed for use in a handgun as an armor-piercing or metal-piercing bullet.

(b) **"Exploding bullet"** means any bullet that can be fired from any firearm, if such bullet is designed or altered so as to detonate or forcibly break up through the use of an explosive or deflagrant contained wholly or partially within or attached to such bullet. The term does not include any bullet designed to expand or break up through the mechanical forces of impact alone or any signaling device or pest control device not designed to impact on any target.

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

(d) “Dragon’s breath shotgun shell” means any shotgun shell that contains exothermic pyrophoric misch metal as the projectile and that is designed for the sole purpose of throwing or spewing a flame or fireball to simulate a flamethrower.

(e) “Bolo shell” means any shell that can be fired in a firearm and that expels as projectiles two or more metal balls connected by solid metal wire.

(f) “Flechette shell” means any shell that can be fired in a firearm and that expels two or more pieces of fin-stabilized solid metal wire or two or more solid dart-type projectiles.

(2)

(a) Any person who manufactures, sells, offers for sale, or delivers any armor-piercing bullet or exploding bullet, or dragon’s breath shotgun shell, bolo shell, or flechette shell is guilty of a felony of the third degree.

(b) Any person who possesses an armor-piercing bullet or exploding bullet with knowledge of its armor-piercing or exploding capabilities loaded in a handgun, or who possesses a dragon’s breath shotgun shell, bolo shell, or flechette shell with knowledge of its capabilities loaded in a firearm, is guilty of a felony of the third degree.

(c) Any person who possesses with intent to use an armor-piercing bullet or exploding bullet or dragon’s breath shotgun shell, bolo shell, or flechette shell to assist in the commission of a criminal act is guilty of a felony of the second degree.

(3) This section does not apply to:

(a) The possession of any item described in subsection (1) by any law enforcement officer, when possessed in connection with the performance of his or her duty as a law enforcement officer, or law enforcement agency.

(b) The manufacture of items described in subsection (1) exclusively for sale or delivery to law enforcement agencies.

(c) The sale or delivery of items described in subsection (1) to law enforcement agencies.

Section 790.33. Field of regulation of firearms and ammunition preempted.

(1) Preemption. Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void.

(2) Policy and Intent.

(a) It is the intent of this section to provide uniform firearms laws in the state; to declare all ordinances and regulations null and void which have been enacted by any jurisdictions other than state and federal, which regulate firearms, ammunition, or components thereof; to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition, or components thereof unless specifically authorized by this section or general law; and to require local jurisdictions to enforce state firearms laws.

(b) It is further the intent of this section to deter and prevent the violation of this section and the violation of rights protected under the constitution and laws of this state related to firearms, ammunition, or components thereof, by the abuse of official authority that occurs when enactments are passed in violation of state law or under color of local or state authority.

(3) Prohibitions; Penalties.

(a) Any person, county, agency, municipality, district, or other entity that violates the Legislature’s occupation of the whole field of regulation of firearms and ammunition, as declared in subsection (1), by enacting or causing to be enforced any local ordinance or administrative rule or regulation impinging upon such exclusive occupation of the field shall be liable as set forth herein.

(b) If any county, city, town, or other local government violates this section, the court shall declare the improper ordinance, regulation, or rule invalid and issue a permanent injunction against the local government prohibiting it from enforcing such ordinance, regulation, or rule. It is no defense that in enacting the ordinance, regulation, or rule the local government was acting in good faith or upon advice of counsel.

1. a. Reasonable attorney fees and costs in accordance with the laws of this state, including a contingency fee multiplier, as authorized by law; and b. The actual damages incurred. But not more than \$100,000. 2. If after the filing of a complaint a defendant voluntarily changes the ordinance, regulation, measure, directive, rule, enactment, order, or policy, written or unwritten, promulgated or caused to be enforced in violation of this section, with or without court action, the plaintiff is considered a prevailing plaintiff for purposes of this section.

(4) Exceptions. This section does not prohibit:

(a) Zoning ordinances that encompass firearms businesses along with other businesses, except that zoning ordinances that are designed for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this subsection and are prohibited;

(b) A duly organized law enforcement agency from enacting and enforcing regulations pertaining to firearms, ammunition, or firearm accessories issued to or used by peace officers in the course of their official duties;

(c) Except as provided in § 790.251, any entity subject to the prohibitions of this section from regulating or prohibiting the carrying of firearms and ammunition by an employee of the entity during and in the course of the employee's official duties;

(d) A court or administrative law judge from hearing and resolving any case or controversy or issuing any opinion or order on a matter within the jurisdiction of that court or judge; or

(e) The Florida Fish and Wildlife Conservation Commission from regulating the use of firearms or ammunition as a method of taking wildlife and regulating the shooting ranges managed by the commission.

(5) Short Title. As created by chapter 87-23, Laws of Florida, this section may be cited as the "Joe Carlucci Uniform Firearms Act."

Section 790.401. Risk protection orders.

(1) Definitions. As used in this section, the term:

(a) "**Petitioner**" means a law enforcement officer or a law enforcement agency that petitions a court for a risk protection order under this section.

(b) "**Respondent**" means the individual who is identified as the respondent in a petition filed under this section.

(c) "**Risk protection order**" means a temporary ex parte order or a final order granted under this section.

(2) Petition for a risk protection order. There is created an action known as a petition for a risk protection order.

(a) A petition for a risk protection order may be filed by a law enforcement officer or law enforcement agency.

(b) An action under this section must be filed in the county where the petitioner's law enforcement office is located or the county where the respondent resides.

(c) Such petition for a risk protection order does not require either party to be represented by an attorney.

(d) Notwithstanding any other law, attorney fees may not be awarded in any proceeding under this section.

(e) A petition must:

1. Allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition, and must be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent;

2. Identify the quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody, or control; and

3. Identify whether there is a known existing protection order governing the respondent under s. 741.30, s. 784.046, or s. 784.0485 or under any other applicable statute.

(f) The petitioner must make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for a risk protection order or has already done so and must include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice or must attest to the steps that will be taken to provide such notice.

(g) The petitioner must list the address of record on the petition as being where the appropriate law enforcement agency is located.

(h) A court or a public agency may not charge fees for filing or for service of process to a petitioner seeking relief under this section and must provide the necessary number of certified copies, forms, and instructional brochures free of charge.

(i) A person is not required to post a bond to obtain relief in any proceeding under this section.

(j) The circuit courts of this state have jurisdiction over proceedings under this section.

(3) Risk protection order hearings and issuance.

(a) Upon receipt of a petition, the court must order a hearing to be held no later than 14 days after the date of the order and must issue a notice of hearing to the respondent for the same.

1. The clerk of the court shall cause a copy of the notice of hearing and petition to be forwarded on or before the next business day to the appropriate law enforcement agency for service upon the respondent as provided in subsection (5).
2. The court may, as provided in subsection (4), issue a temporary ex parte risk protection order pending the hearing ordered under this subsection. Such temporary ex parte order must be served concurrently with the notice of hearing and petition as provided in subsection (5).
3. The court may conduct a hearing by telephone pursuant to a local court rule to reasonably accommodate a disability or exceptional circumstances. The court must receive assurances of the petitioner's identity before conducting a telephonic hearing.

(b) Upon notice and a hearing on the matter, if the court finds by clear and convincing evidence that the respondent poses a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or any ammunition, the court must issue a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months.

(c) In determining whether grounds for a risk protection order exist, the court may consider any relevant evidence, including, but not limited to, any of the following:

1. A recent act or threat of violence by the respondent against himself or herself or others, whether or not such violence or threat of violence involves a firearm.
2. An act or threat of violence by the respondent within the past 12 months, including, but not limited to, acts or threats of violence by the respondent against himself or herself or others.
3. Evidence of the respondent being seriously mentally ill or having recurring mental health issues.
4. A violation by the respondent of a risk protection order or a no contact order issued under s. 741.30, s. 784.046, or s. 784.0485.
5. A previous or existing risk protection order issued against the respondent.
6. A violation of a previous or existing risk protection order issued against the respondent.
7. Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence as defined in s. 741.28.
8. Whether the respondent has used, or has threatened to use, against himself or herself or others any weapons.
9. The unlawful or reckless use, display, or brandishing of a firearm by the respondent.
10. The recurring use of, or threat to use, physical force by the respondent against another person or the respondent stalking another person.
11. Whether the respondent, in this state or any other state, has been arrested for, convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence.
12. Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.
13. Evidence of recent acquisition of firearms or ammunition by the respondent.
14. Any relevant information from family and household members concerning the respondent.
15. Witness testimony, taken while the witness is under oath, relating to the matter before the court.

(d) A person, including an officer of the court, who offers evidence or recommendations relating to the cause of action either must present the evidence or recommendations in writing to the court with copies to each party and his or her attorney, if one is retained, or must present the evidence under oath at a hearing at which all parties are present.

(e) In a hearing under this section, the rules of evidence apply to the same extent as in a domestic violence injunction proceeding under s. 741.30.

(f) During the hearing, the court must consider whether a mental health evaluation or chemical dependency evaluation is appropriate and, if such determination is made, may order such evaluations, if appropriate.

(g) A risk protection order must include all of the following:

1. A statement of the grounds supporting the issuance of the order;
2. The date the order was issued;
3. The date the order ends;
4. Whether a mental health evaluation or chemical dependency evaluation of the respondent is required;
5. The address of the court in which any responsive pleading should be filed;
6. A description of the requirements for the surrender of all firearms and ammunition that the respondent owns, under subsection (7); and
7. The following statement:

“To the subject of this protection order: This order will last until the date noted above. If you have not done so already, you must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition that you own in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You have the right to request one hearing to vacate this order, starting after the date of the issuance of this order, and to request another hearing after every extension of the order, if any. You may seek the advice of an attorney as to any matter connected with this order.”

(h) If the court issues a risk protection order, the court must inform the respondent that he or she is entitled to request a hearing to vacate the order in the manner provided by subsection (6). The court shall provide the respondent with a form to request a hearing to vacate.

(i) If the court denies the petitioner’s request for a risk protection order, the court must state the particular reasons for the denial.

(4) Temporary ex parte risk protection orders.

(a) A petitioner may request that a temporary ex parte risk protection order be issued before a hearing for a risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition.

(b) In considering whether to issue a temporary ex parte risk protection order under this section, the court shall consider all relevant evidence, including the evidence described in paragraph (3)(c).

(c) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition, the court must issue a temporary ex parte risk protection order.

(d) The court must hold a temporary ex parte risk protection order hearing in person or by telephone on the day the petition is filed or on the business day immediately following the day the petition is filed.

(e) A temporary ex parte risk protection order must include all of the following:

1. A statement of the grounds asserted for the order;
2. The date the order was issued;
3. The address of the court in which any responsive pleading may be filed;
4. The date and time of the scheduled hearing;
5. A description of the requirements for the surrender of all firearms and ammunition that the respondent owns, under subsection (7); and
6. The following statement:

“To the subject of this protection order: This order is valid until the date noted above. You are required to surrender all firearms and ammunition that you own in your custody, control, or possession. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. A hearing will be held on the date and at the time noted above to determine if a risk protection order should be issued. Failure to appear at that hearing may result in a

court issuing an order against you which is valid for 1 year. You may seek the advice of an attorney as to any matter connected with this order.”

(f) A temporary ex parte risk protection order ends upon the hearing on the risk protection order.

(g) A temporary ex parte risk protection order must be served by a law enforcement officer in the same manner as provided for in subsection (5) for service of the notice of hearing and petition and must be served concurrently with the notice of hearing and petition.

(h) If the court denies the petitioner’s request for a temporary ex parte risk protection order, the court must state the particular reasons for the denial.

(5) Service.

(a) The clerk of the court shall furnish a copy of the notice of hearing, petition, and temporary ex parte risk protection order or risk protection order, as applicable, to the sheriff of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. When requested by the sheriff, the clerk of the court may transmit a facsimile copy of a temporary ex parte risk protection order or a risk protection order that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. The clerk of the court shall be responsible for furnishing to the sheriff information on the respondent’s physical description and location. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency effecting service pursuant to this section shall use service and verification procedures consistent with those of the sheriff. Service under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature.

(b) All orders issued, changed, continued, extended, or vacated after the original service of documents specified in paragraph (a) must be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. If a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

(6) Termination and extension of orders.

(a) The respondent may submit one written request for a hearing to vacate a risk protection order issued under this section, starting after the date of the issuance of the order, and may request another hearing after every extension of the order, if any.

1. Upon receipt of the request for a hearing to vacate a risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with subsection (5). The hearing must occur no sooner than 14 days and no later than 30 days after the date of service of the request upon the petitioner.

2. The respondent shall have the burden of proving by clear and convincing evidence that the respondent does not pose a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm or ammunition. The court may consider any relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds after the hearing that the respondent has met his or her burden of proof, the court must vacate the order.

4. The law enforcement agency holding any firearm or ammunition or license to carry a concealed weapon or firearm that has been surrendered pursuant to this section shall be notified of the court order to vacate the risk protection order.

(b) The court must notify the petitioner of the impending end of a risk protection order. Notice must be received by the petitioner at least 30 days before the date the order ends.

(c) The petitioner may, by motion, request an extension of a risk protection order at any time within 30 days before the end of the order.

1. Upon receipt of the motion to extend, the court shall order that a hearing be held no later than 14 days after the date the order is issued and shall schedule such hearing.

a. The court may schedule a hearing by telephone in the manner provided by subparagraph (3)(a)3.

b. The respondent must be personally serviced in the same manner provided by subsection (5).

2. In determining whether to extend a risk protection order issued under this section, the court may consider all relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds by clear and convincing evidence that the requirements for issuance of a risk protection order as provided in subsection (3) continue to be met, the court must extend the order. However, if, after notice, the motion for extension is uncontested and no modification of the order is sought, the order may be extended on the basis of a motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension.

4. The court may extend a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months, subject to an order to vacate as provided in paragraph (a) or to another extension order by the court.

(7) Surrender of firearms and ammunition.

(a) Upon issuance of a risk protection order under this section, including a temporary ex parte risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms and ammunition owned by the respondent in the respondent's custody, control, or possession except as provided in subsection (9), and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent.

(b) The law enforcement officer serving a risk protection order under this section, including a temporary ex parte risk protection order, shall request that the respondent immediately surrender all firearms and ammunition owned by the respondent in his or her custody, control, or possession and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent. The law enforcement officer shall take possession of all firearms and ammunition owned by the respondent and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, which are surrendered. Alternatively, if personal service by a law enforcement officer is not possible or is not required because the respondent was present at the risk protection order hearing, the respondent must surrender any firearms and ammunition owned by the respondent and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, in a safe manner to the control of the local law enforcement agency immediately after being served with the order by service or immediately after the hearing at which the respondent was present. Notwithstanding ss. 933.02 and 933.18, a law enforcement officer may seek a search warrant from a court of competent jurisdiction to conduct a search for firearms or ammunition owned by the respondent if the officer has probable cause to believe that there are firearms or ammunition owned by the respondent in the respondent's custody, control, or possession which have not been surrendered.

(c) At the time of surrender, a law enforcement officer taking possession of any firearm or ammunition owned by the respondent, or a license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent shall issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered, and any license surrendered and shall provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the law enforcement officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(d) Notwithstanding ss. 933.02 and 933.18, upon the sworn statement or testimony of any person alleging that the respondent has failed to comply with the surrender of firearms or ammunition owned by the respondent, as required by an order issued under this section, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms or ammunition owned by the respondent in the respondent's custody, control, or possession. If the court finds that probable cause exists, the court must issue a warrant describing the firearms or ammunition owned by the respondent and authorizing a search of the locations where the firearms or ammunition owned by the respondent are reasonably believed to be found and the seizure of any firearms or ammunition owned by the respondent discovered pursuant to such search.

(e) If a person other than the respondent claims title to any firearms or ammunition surrendered pursuant to this section and he or she is determined by the law enforcement agency to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to him or her, if:

1. The lawful owner agrees to store the firearm or ammunition in a manner such that the respondent does not have access to or control of the firearm or ammunition.

2. The firearm or ammunition is not otherwise unlawfully possessed by the owner.

(f) Upon the issuance of a risk protection order, the court shall order a new hearing date and require the respondent to appear no later than 3 business days after the issuance of the order. The court shall require proof that the respondent has surrendered any firearms or ammunition owned by the respondent in the respondent's custody, control, or possession. The court may cancel the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(g) All law enforcement agencies must develop policies and procedures regarding the acceptance, storage, and return of firearms, ammunition, or licenses required to be surrendered under this section.

(8) Return and disposal of firearms and ammunition.

(a) If a risk protection order is vacated or ends without extension, a law enforcement agency holding a firearm or any ammunition owned by the respondent or a license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, that has been surrendered or seized pursuant to this section must return such surrendered firearm, ammunition, or license to carry a concealed weapon or firearm issued under s. 790.06, as requested by a respondent only after confirming through a background check that the respondent is currently eligible to own or possess firearms and ammunition under federal and state law and after confirming with the court that the risk protection order has been vacated or has ended without extension.

(b) If a risk protection order is vacated or ends without extension, the Department of Agriculture and Consumer Services, if it has suspended a license to carry a concealed weapon or firearm pursuant to this section, must reinstate such license only after confirming that the respondent is currently eligible to have a license to carry a concealed weapon or firearm pursuant to s. 790.06.

(c) A law enforcement agency must provide notice to any family or household members of the respondent before the return of any surrendered firearm and ammunition owned by the respondent.

(d) Any firearm and ammunition surrendered by a respondent pursuant to subsection (7) which remains unclaimed for 1 year by the lawful owner after an order to vacate the risk protection order shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

(9) Transfer of firearms and ammunition. A respondent may elect to transfer all firearms and ammunition owned by the respondent that have been surrendered to or seized by a local law enforcement agency pursuant to subsection (7) to another person who is willing to receive the respondent's firearms and ammunition. The law enforcement agency must allow such a transfer only if it is determined that the chosen recipient:

(a) Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;

(b) Attests to storing the firearms and ammunition in a manner such that the respondent does not have access to or control of the firearms and ammunition until the risk protection order against the respondent is vacated or ends without extension; and

(c) Attests not to transfer the firearms or ammunition back to the respondent until the risk protection order against the respondent is vacated or ends without extension.

(10) Reporting of orders.

(a) Within 24 hours after issuance, the clerk of the court shall enter any risk protection order or temporary ex parte risk protection order issued under this section into the uniform case reporting system.

(b) Within 24 hours after issuance, the clerk of the court shall forward a copy of an order issued under this section to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the Florida Crime Information Center and National Crime Information Center. The order must remain in each system for the period stated in the order, and the law enforcement agency may only remove an order from the systems which has ended or been vacated. Entry of the order into the Florida Crime Information Center and National Crime Information Center constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in this state.

(c) The issuing court shall, within 3 business days after issuance of a risk protection order or temporary ex parte risk protection order, forward all available identifying information concerning the respondent, along with the date of order issuance, to the Department of Agriculture and Consumer Services. Upon receipt of the information, the department shall determine if the respondent has a license to carry a concealed weapon or firearm. If the respondent does have a license to carry a concealed weapon or firearm, the department must immediately suspend the license.

(d) If a risk protection order is vacated before its end date, the clerk of the court shall, on the day of the order to vacate, forward a copy of the order to the Department of Agriculture and Consumer Services and the appropriate law enforcement agency specified in the order to vacate. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to paragraph (b).

(11) Penalties.

(a) A person who makes a false statement, which he or she does not believe to be true, under oath in a hearing under this section in regard to any material matter commits a felony of the third degree.

(b) A person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he or she is prohibited from doing so by an order issued under this section commits a felony of the third degree.

(12) Law enforcement retains other authority. This section does not affect the ability of a law enforcement officer to remove a firearm or ammunition or license to carry a concealed weapon or concealed firearm from any person or to conduct any search and seizure for firearms or ammunition pursuant to other lawful authority.

(13) Liability. Except as provided in subsection (8) or subsection (11), this section does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining a risk protection order or temporary ex parte risk protection order, including, but not limited to, providing notice to the petitioner, a family or household member of the respondent, and any known third party who may be at risk of violence or failure to provide such notice, or reporting, declining to report, investigating, declining to investigate, filing, or declining to file, a petition under this section.

Chapter 810 – Burglary and Trespass

Section 810.095. Trespass on school property with firearm or other weapon prohibited.

(1) It is a felony of the third degree, for a person who is trespassing upon school property to bring onto, or to possess on, such school property any weapon as defined in s. 790.001(13) or any firearm.

(2) As used in this section, “**school property**” means the grounds or facility of any kindergarten, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

Alachua County Code of Ordinances

Current through Ordinance 2020-12, enacted May 26, 2020. (Supplement 53)

Part II – Administrative Code

Title 7 – Health and Safety

Chapter 82 – Sale of Firearms

Section 82.02. Definitions.

For purposes of this chapter, the following terms shall be defined as:

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, the transfer or delivery of the firearm, or the transfer of any ownership or possessory interest in the firearm.

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" does not include an antique firearm, as that term is defined in Section 790.001, Florida Statutes.

Property to which the public has the right of access means any real or personal property to which the public has a right of access, including property owned by either public entities or private individuals, firms and entities and expressly includes, but is not limited to, flea markets, gun shows and firearms exhibitions.

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.

Section 82.03. Application and enforcement of chapter.

Law enforcement officers shall enforce the provisions of this chapter against any person found violating this chapter within their jurisdiction.

Section 82.04. Five-day waiting period.

There shall be a mandatory five-day waiting period, which shall be five full days, excluding weekends and legal holidays, in connection with the sale of any firearm occurring within the county. 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.

Section 82.05. Criminal history records check.

There shall be a criminal history records check conducted in connection with the sale of firearms occurring within the county. No person may 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 Section 790.065, Florida Statutes, have been complied with by a person statutorily authorized to request that a background information check on the purchaser be conducted by the Florida Department of Law Enforcement ("FDLE"), and such statutorily authorized person has received an approval number for the purchaser from FDLE and documented same, as provided by Section 790.065, Florida Statutes. In case of repeal or amendment of Section 790.065, Florida Statutes, 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 a right of access until all procedures, requirements and prohibitions set forth in other federal or state laws relating to criminal history records checks have been complied with by persons selling or buying firearms.

Section 82.06. Non-applicability to holders of Florida concealed weapon permits or currently certified law enforcement officers as defined under Florida Law.

The requirements of this chapter do not apply if the purchaser in the sale of a firearm is a holder of a Florida concealed weapons or firearms permit or license issued pursuant to general law, or a currently certified law enforcement officer as defined under Florida Law. However, this exemption shall not relieve such purchasers from compliance with otherwise applicable state or federal law requirements.

Section 82.07. Effective areas.

This chapter shall be effective in the incorporated as well as unincorporated areas of Alachua County.

Bellevue Code of Ordinances

Current through Ordinance 2021-7, adopted April 6, 2021. (Supplement 28, Update 1)

Subpart B – Land Development Regulations

Chapter 134 – Zoning

Article III – Districts

Section 134-245. Schedules of district regulations.

Appendix A Schedules of District Regulations

Schedule 3. Schedule of Regulations; Nonresidential Key:

- Y = Yes
- N = No
- SE = Special exception

Business/Service	R-O	B-1	B-2	B-3	B-4	B-5	M-1	M-2
Guns	N	N	Y	Y	Y	Y	N	N

Brooksville Code of Ordinances
 Current through Ordinance 927, adopted January 4, 2021 (Supplement 12)

Subpart B – Land Development Code
Article II – Zoning districts, Uses and Lot Requirements
Part 2-2 – Zoning District Uses

Section 2-2.2. Allowable Uses.

The following table indicates the categories of uses which are allowable in each standard zoning district within the City of Brooksville. The categories of uses are arranged in the vertical column on the left side of the table and the zoning districts are listed across the top. "P" indicates that the use is permitted, subject to the standards of this Code. "C" indicates the use is a Conditional Use that may be allowed in the identified district pursuant to conformance with the design standards contained in Article IV. No public hearing is required for Conditional Uses. An "SE" designates uses as Special Exception Uses that may be established in the district, pursuant to a noticed public hearing as described in Article VIII and in conformance with the standards contained in Article IV. An "SU" designates uses as Special Uses that may be established in the district, pursuant to a noticed public hearing as described in Article VIII and in conformance with the standards contained in Article IV. An "A" indicates the use is an accessory Use that may be established in the district pursuant to the requirements of Article IV. A blank space indicates that the use is prohibited. All uses are subject to the development standards of the zoning district in which it is to be located as well as all other rules and regulations of this Code and the City of Brooksville. Properties with an overlay designation shall be governed by the underlying zoning district and may be permitted additional uses as indicated in the use matrix.

All uses are potentially permitted in planned development project (PDP) districts, subject to the policies of the comprehensive plan, the requirements of Article VIII of this Code and all other rules regulations and ordinances of the City of Brooksville. Land uses permitted in existing planned development project districts are specified in the PDP's conditions of approval. Requests for modifications to planned development projects are reviewed in accordance with Article VIII of this Code.

Table 2-2 Table of Allowable Uses

Legend:

- P=Permitted Use;
- SU=Special Use;
- SE=Special Exception Use;
- C=Conditional Use;
- A=Accessory Use

Residential, Office, Commercial and Industrial Overlays

	AG	R-1A	R-1B	R-1C	R-1D	R-2	R-3	PR	P-1	C-1	C-2	C-4	CIS-1	I-1	I-2	PFS	HCBRD	HCC
Neighborhood, general and high intensity business and commercial uses																		
Gun sales										P	P	P						
Gunsmith										P	P							

Broward County Code of Ordinances
 Current through Ordinance 2021-35, enacted June 15, 2021. (Supplement 58)

Chapter 18 – Law Enforcement
Article VI – Firearms Five-Day Waiting Period

Section 18-96. Waiting period; prohibition.

There shall be a mandatory 5-day waiting period, which shall be 5 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.

Section 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.

Section 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.

**Chapter 39 – Zoning
Article XVIII – Industrial Districts**

Section 39-308. Permitted uses.

Permitted uses in all manufacturing and industrial districts shall be limited to those uses specified in the Master Business List following. Any use not specifically listed herein and not specifically, or by inference, listed shall be determined by the zoning official to be permitted in the zoning district specifying the most similar use thereto. All permitted uses shall be subject to Section 39-313, "Limitations of uses." Specified subsection references in Section 39-313 are included in the Master Business List.

Master Business List

- P = Permitted
- C = Conditional
- A = Accessory use only

Use	M-1	M-2	M-3 or M-4
Ammunition reloading (handguns)		P	P
Fireworks, explosives, firearms, and ammunition manufacturing, storage, and distribution see Subsection 39-313(g)			P

Section 39-313. Limitations of uses.

(g) Fireworks, explosives, firearms, and ammunition manufacturing, storage, or distribution. Any plot upon which a facility for the manufacture, storage, or distribution of fireworks, explosives, firearms, and ammunition is located shall not be within two thousand (2,000) feet of any residentially-zoned district. The minimum plot size for any such use shall be five (5) acres.

Cinco Bayou Code of Ordinances

Current through Ordinance 247, enacted February 13, 2020. (Supplement 7)

Chapter 7 – Land Use and Zoning

Section 7.06.05. C-2 general commercial district.

A. Uses permitted: Within any C-2 general commercial district, no building, structure, land or water shall be used except for one (1) or more of the following uses:

9. Trade service establishments, such as shops for the sale and repair of electrical appliances, batteries, guns, bicycles, typewriters, watches, jewelry and other mechanisms; shops for painters, plumbers and paperhangers; shops for business services such as addressing and mailing, advertising and distributing, multi-graphing, printing and photography; laboratories.

Clewiston Code of Ordinances

Current through Ordinance 2020-82, adopted November 16, 2020. (Supplement 7)

Chapter 110 – Zoning

Article VI – Supplementary District Regulations

Section 110-525. Home occupations.

(c) Prohibited home occupations. The following uses, regardless of whether they meet the performance standards, are not permitted as a home occupation. These business activities shall include, but are not limited to, the following:

(11) The sale of firearms and gunsmithing.

Collier County Land Development Code

Current through Ordinance 21-14, adopted March 9, 2021. (Supplement 23)

Chapter 2 – Zoning Districts and Uses

2.03.00 – Zoning Districts; Permitted Uses, Accessory Uses, and Conditional Uses

Cutler Bay Code of Ordinances

Current through Ordinance 20-14, enacted January 19, 2021. (Supplement 5)

Chapter 3 – Land Development Regulations

Article IV – Districts and Development Standards

Section 3-59. TRC, Transit Corridor District.

The transit corridor district provides for the location of transit-oriented uses and uses having a market area extending beyond the scale of the corridor and surrounding neighborhoods. The intent of the district is to facilitate convenient access, minimize traffic congestion, and reduce visual clutter to create a development pattern which improves the aesthetic quality and character of the US 1 corridor within the town. Buildings are required to relate to the street with a pedestrian scale, rather than to parking lots. Site design criteria is required to facilitate ease of pedestrian access along the corridor and the bus way.

(2) Prohibited uses.

e. Gun shop.

Dania Beach Code of Ordinances

Current through Ordinance 2021-017, adopted June 8, 2021. (Supplement 149)

Chapter 28 – Land Development Code

Part 1 – Use Regulations

Article 110 – Use Regulations for Commercial and Mixed-Use Districts

Section 110-20. List of permitted, special exception and prohibited uses.

Included in the table below are permitted, special exception and prohibited uses within commercial districts, the Residential Office (RO) District, the Marine District, and generalized permitted and special exception uses within the mixed-use CRA form-based districts. Permitted and special exception uses shown in this table for the CRA form-based districts are not allowed in all areas of a district; therefore, the more detailed regulations of article 302 must be consulted to determine whether a particular use is permitted in any given location. Article 302 shall take precedence over this table. Unless otherwise provided, this table shall not apply to uses in the Planned Mixed Use Development District (PMUD). All permitted, conditional, special exception, restricted or prohibited uses within the PMUD shall be identified and established pursuant to the approved PMUD Development Design Guidelines (DDG) consistent with the Dania Beach Regional Activity Center (RAC) and articles 340 and 350 of this chapter.

Legend

SE - Permitted special exception use only

NP - Not permitted

Uses	Industrial	Mixed-Use Districts						Commercial Zoning Districts			
	Marine	RO (see sec 110-180)	CRA Form-Based Districts				C-1	C-2	C-3	C-4	
			CC	EDBB-MU	SFED-MU	GTWY-MU					NBHD-MU
Gun shops [subject to section 110-190]	NP	NP	NP	NP	NP	NP	NP	NP	NP	SE	SE

Section 110-190. Uses subject to minimum separation distances.

(A) The following uses shall be separated from similar existing uses, or similar approved but unbuilt uses, by the minimum distances specified below, measured from property line to property line unless otherwise indicated. Section 700-140 provides more detailed information as to how minimum distance separations must be measured.

(4) Gun shops. Two thousand five hundred (2,500) feet.

Article 115 – Industrial Districts: Permitted, Prohibited, Special Exception Uses, and Conditions of Use

Section 115-40. Schedule of permitted uses.

<u>Legend</u>	
#, #	- (Ex: 1, 2) Permitted subject to the conditions of use numbered 1 and 2 found in section 115-50
NP	- not permitted

Uses	IROM	IROM-AA	IROC	IRO	IG	IR	PEDD	MA-1
General Business Uses								
Retail sales of guns or ammunition	NP	NP	38, 39, 6	NP	NP	NP	NP	NP

Section 115-50. Conditions of use.

6 Conditions of use: subject to the provisions of the Future Land Use Element of the Comprehensive Plan pertaining to commercial uses in the Industrial and Employment Center future land use categories.

38 Conditions of use: must be located within a fully enclosed shopping center containing in excess of one hundred thousand (100,000) square feet of gross floor area.

Applies to the following uses and districts:

Retail sales of guns and ammunition: IROC

Indoor pistol and rifle ranges: IROC

39 Conditions of use: permitted accessory to a sporting goods store.

Applies to the following uses and districts:

Retail sales of guns and ammunition: IROC

**Subpart 1 – Community Redevelopment Area (CRA) Form-Based Zoning Districts
Article 302 – Detailed Use Regulations**

Section 302-10. Permitted, special exception and prohibited uses.

Legend: P = Permitted SE = Special Exception use (#) = Permitted subject to the restriction in section 302-20 having the same number that is within the parentheses NP - Not permitted Abbreviations: EDBB = East Dania Beach Boulevard SFED = South Federal Highway	Districts							
	City Center	EDBB-MU		SFED-MU		GTWY-MU	NBHD-MU	NBHD-RES
		Principal Street Frontage						
	EDBB	Other streets	S. Fed. Hwy Sheridan St.	Other Streets				
Restricted Commercial								
Check-cashing stores, pawn shops, gun shops, flea markets	NP	NP	NP	NP	NP	NP	NP	NP

Deerfield Beach Land Development Code

Current through Ordinance 2021/013, adopted June 15, 2021. (Supplement 82)

**Chapter 98 – Land Development Regulations
Article II – Deerfield Beach Land Development Code**

Section 98-17. Development permit requirements.

The City of Deerfield Beach shall approve no plat, site plan, or building permit until it has made the following determinations:

(15) Compatibility.

c. The proposed development must be compatible (as compatibility is defined within section 98-3) with public and private schools, day care facilities, playgrounds, parks and other places that cater to children under the age of 18 or places which regularly provide facilities for such children to gather within 500 feet of the proposed use. For this purpose the compatibility finding may include measures to protect the safety and security of children under the age of 18 as set forth below:

3. There shall be a rebuttable presumption that the following uses are not compatible with existing or proposed public or private schools, day care facilities, playgrounds, parks and other places which cater to children under the age of 18 or places which regularly provide facilities for such children to gather within 500 feet of such above uses:

i. Retail establishments which sell firearms as defined in F.S. 790.001, or ammunition for such firearms;

Article III – Zoning District Regulations

Section 98-53. B-1 business, community.

(b) Permitted uses. The following uses shall be permitted principal uses in the B-1 district.

(9) Store, retail (excluding stores which sell firearms or ammunition for firearms);

Section 98-53B. COD, Cove Overlay District.

(c) Permitted uses. The following uses shall be principal uses in the COD district:

(14) Store, retail (excluding stores which sell firearms or ammunition for firearms);

Section 98-54. B-2 Highway business.

(b) Permitted uses. The following uses shall be permitted principal uses in the B-2 district:

(12) Store, retail (excluding stores which sell firearms or ammunition for firearms);

(c) Conditional uses. Upon application and after a favorable determination by the special master or the city commission (where the conditional use is part of the site plan application) that all conditions and provisions of a conditional use have been met, the uses listed below may be permitted as conditional uses in this district. In addition to any provisions listed herein, all proposed conditional uses shall comply with the requirements of this Code, be heard and decided by the zoning appeals special master (or city commission where applicable) as set forth herein and be consistent with the goals, objectives and policies of the city's comprehensive plan.

(13) Store, retail, which retail store sells firearms;

Section 98-63. TOD, Transit Oriented Development.

(b) Permitted uses. General categories of permitted uses for each TOD must be specified in the permitted uses section of the Future Land Use Element of the Comprehensive Plan. The following uses shall be permitted principal uses in the TOD district:

(19) Store, retail (excluding stores which sell firearms and "Big box," i.e. stand-alone stores with 30,000 square feet or more);

Doral Code of Ordinances

Current through Ordinance 2021-07, adopted April 4, 2021. (Supplement 21)

Subpart B – Land Development Code

Chapter 53 – Administration

Article II – Planning and Development

Division 5 – Summary of Uses and Development

Section 53-128. Use compatibility table.

(b) The uses for each district are as stated in the following table:

(1) P means permitted use;

(4) (-) means not permitted.

Category	Description	O-1	O-2	O-3	NC	CC	IC	I	I-R
Retail services									
	Firearms								
	Retail	-	-	-	-	-	P ^b	P ^a	P ^a
	Wholesale	-	-	-	-	-	P ^b	P ^a	P ^a

Notes. (Pertaining to percentage of retail uses for industrial and industrial commercial zoning. a. pertains to the Industrial District and b. pertains to the Industrial Commercial District)

a. Only 15 percent of the entire development is permitted as an ancillary use to principal use. Retail and services, up to 100 percent of the parcel if located within the District Core of the Doral Design District Plan. The District Core shall contain no more than ten percent retail and service uses. Refer to section 68-820(6a) calculation methodology and exemptions.

b. Only 15 percent of the entire development is permitted. Retail and services, up to 100 percent of the parcel if located within the District Core of the Doral Design District Plan. The District Core shall contain no more than ten percent retail and service uses. Refer to section 68-785(6a) for calculation methodology and exemptions.

Chapter 68 – Land Uses and Zoning Districts

Article IV – Commercial Districts

Division 3 – Corridor Commercial District (CC)

Section 68-383. Permitted uses, generally.

The following uses are permitted in the corridor commercial (CC) district, while all other uses are conditional or prohibited:

(1) Retail services. Refer to chapter 53, article II, division 5, the use compatibility table, for a detailed list of uses under these categories in the following categories:

e. Firearms.

Article V – Mixed Use Districts

Division 2 – Traditional Neighborhood Development District (TND)

Subdivision II – Design Criteria

Section 68-446. Prohibited uses.

The following uses are not permitted anywhere within a traditional neighborhood development (TND) district:

(4) Gun shops, pawnshops, chicken hatcheries, packinghouses, tire vulcanizing and retreading, automobile sales and rental, any commercial use in which patrons remain in their automobiles while receiving goods or services, except service stations;

Fort Lauderdale Unified Land Development Code
 Current through Ordinance C-20-38, enacted November 5, 2020. (Supplement 47)

Chapter 47 – Unified Land Development Regulations
Article II – Zoning District Requirements
Section 47-6 – Business Zoning Districts

Section 47-6.12. List of permitted and conditional uses, General Business (B-2) District.

B. Permitted Uses

8. Retail Sales

- q. Firearms Store

Section 47-6.13. List of permitted and conditional uses, Heavy Commercial/Light Industrial (B-3) District.

B. Permitted Uses

8. Retail and Wholesale Sales

- q. Firearms Store.

Section 47-12 – Central Beach Districts

Section 47-12.4. Central beach district requirements.

A. Limitations on permitted uses in all districts within the central beach area. The following use limitations shall apply to all the districts within the central beach area:

1. The following nonresidential uses shall not be permitted:

- f. Sales or service of guns, knives, or other weapons.

Section 47-13 – Regional Activity Center Districts

Section 47-13.10. List of permitted and conditional uses.

Regional Activity Center-City Center (RAC-CC); Regional Activity Center-Arts and Science (RAC-AS); Regional Activity Center-Urban Village (RAC-UV); Regional Activity Center-Residential Professional Office (RAC-RPO); Regional Activity Center-Transitional Mixed Use (RAC-TMU); South Regional Activity Center-South Andrews east (SRAC-SAe); South Regional Activity Center-South Andrews west (SRAC-SAw); Northwest Regional Activity Center-Mixed Use northeast (NWRAC-MUe), Northwest Regional Activity Center-Mixed Use east (NWRAC-MUe) & Northwest Regional Activity Center-Mixed Use west (NWRAC-MUw) collectively known as NWRAC-MU.

Key:

- P Permitted
- C Conditional

Use Type	Zoning District									
	RAC-CC	RAC-AS	RAC-UV	RAC-RPO	RAC-TMU	SRAC-SAe	SRAC-SAw	NWRAC-MUe	NWRAC-MUw	NWRAC-MUe
Retail Sales (*Including Wholesale Sales)										
Firearms Store (In the SRAC-SAw zoning district this use is only permitted as Wholesale Sales.)							P			

Green Cove Springs Code of Ordinances
 Current through Ordinance O-16-2020, adopted February 16, 2021. (Supp. No. 2)

Chapter 117 – Land Use Regulations
Article III – Commercial

Division 3 – Commercial Medium Intensity Land Use (CMI), C-1 Neighborhood Commercial Zoning Category

Section 117-227. Permitted uses.

The following are permitted uses in the commercial medium intensity land use (CMI), C-1 neighborhood commercial zoning category:

(2) Retail and repair establishments limited to the following: ... gun sales and repair, hobby and craft shops, interior decorating, jewelry stores, leather shops, locksmiths, luggage shops, office and/or business machines, office and/or business supplies, newsstands, opticians, paint and wallpaper stores, professional offices, shoe repair stores, tailor and/or dressmaker shops, watch repair.

**Article IX – Gateway Corridor
Division 4 – Gateway Corridor Neighborhood (GCN) Zoning Category**

Section 117-540. Permitted uses.

The following and any determined similarly like or type uses not specifically described below are permitted uses in the gateway corridor neighborhood zoning category. All uses must be in a totally enclosed building:

(2) Retail and repair establishments limited to the following: ... gun sales and repair, hobby and craft shops, interior decorating, jewelry stores, leather shops, locksmiths, luggage shops, museums, office and/or business machines, office and/or business supplies, newsstands, opticians, paint and wallpaper stores, professional offices, shoe repair stores, tailor and/or dressmaker shops, watch repair and pawn shops;

Gulf Breeze Code of Ordinances
Current through Ordinance 08-2020, adopted June 29, 2020. (Supplement 19)

**Chapter 6 – Businesses
Article IV – Home Occupations**

Section 6-106. Prohibited uses.

A home occupation permit shall not be issued for any of the following uses:

(1) Any activities regulated by the Federal Bureau of Alcohol, Tobacco and Firearms.

Gulfport Code of Ordinances
Current through Ordinance 2020-08, enacted December 31, 2020. (Supplement 77)

**Chapter 22 – Zoning
Article V – Schedule of District Regulations**

Section 22-5.08. WRD (waterfront redevelopment district) zoning district.

e. Prohibited uses. The uses listed below are prohibited from locating in the WROD.

9. Gun shops.

Haines City Land Development Regulations
Current through Ordinance 18-1625, enacted December 18, 2018. (Supplement 10)

**Chapter 6 – Special Provisions
Article I – Planned Unit Development**

Section 6.1.7. MUPUD, Mixed use planned unit development.

1. General requirements:

B. Prohibited uses and structures.

11. Firearm dealers and gunsmith shops.

2. Town center requirements:

B. Prohibited uses and structures.

11. Firearm dealers and gunsmith shops.

Hallandale Beach Code of Ordinances

Current through Ordinance 2021-004, adopted March 17, 2021. (Supplement 11, Update 2)

Chapter 32 – Zoning and Land Development Code

Article III – Zoning

Division 2 – Zoning Districts and Overlays

Subdivision I – Conventional Zoning Districts

Section 32-149 B-L. Business Limited District.

(c) Uses permitted conditionally. Uses permitted conditionally are as follows:

(2) Sporting goods store, provided that not more than 20 percent of the gross floor area of any such use may be devoted to the display, and sale of firearms.

Hawthorne Code of Ordinances

Current through Ordinance 2020-11, enacted May 26, 2021. (Supplement 11)

Part III – Land Development Regulations

Article Four – Zoning Regulations

Section 4.16. I Industrial.

4.16.2. Permitted principal uses and structures: All uses permitted as permitted principal uses and structures, as well as uses permitted as special exceptions within the IL light industrial, as well as uses limited to the following uses as further described within the document entitled, North American Industry Classification System, United States, 1997:

11. Small arms manufacturing (not to include ammunition manufacturing).

4.16.4. Prohibited uses and structures. Due to the limited available undeveloped lands within the city the following uses shall be deemed prohibited uses within any industrial district: ..., ammunition manufacture ...and rendering plants. In addition, any uses or structures not specifically, provisionally, or by reasonable implication permitted herein, including any use not conforming to performance standards of section 4.2 shall be prohibited.

Hialeah Code of Ordinances

Current through Ordinance 2020-058, enacted October 13, 2020. (Supplement 36)

Chapter 18 – Businesses

Article VIII – Secondhand Goods Dealers

Division 1 – Generally

Section 18-435. Certain acts and practices prohibited.

Each of the following acts of either a secondhand dealer or any of his employees is declared to be unlawful and shall subject the person to the penalties prescribed:

(8) Purchasing or otherwise acquiring firearms unless the dealer has met federal and state firearms licensing requirements.

Hialeah Gardens Code of Ordinances

Current through Ordinance 2020-16, enacted, June 16, 2020. (Supplement 28)

Chapter 78 – Land Development Regulations

Article III – Zoning District Type and Use Regulations

Section 78-47. Commercial business district (B-3) uses.

(1) Permitted uses. The following, or other similar uses, are allowed in the B-3 zoning districts, while all other uses are conditional or prohibited:

r. Gun shops.

Hillsborough County Code of Ordinances

Current through Ordinance 20-10, adopted January 1, 2021. (Supplement 17)

Chapter 36 – Offenses and Miscellaneous Provisions

Article III – Offenses Involving Public Safety

Division 2 – Firearms Purchases

Section 36-81. Applicability.

This article shall be of countywide force and effect.

Section 36-82. Definitions.

As used in this article:

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:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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 article 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.

Section 36-83. Waiting period.

Except as provided in Sections 36-85 and 36-86, there shall be a mandatory five-day waiting period, which shall be five 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 120 hours have elapsed between the time of sale and the time of delivery of the firearm.

Section 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 the ordinance from which this article is derived, 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 article 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.

Section 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 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.

Section 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 article and such transaction shall be exempt from the provisions of this article.

(b) A trade in of an operable handgun for another handgun shall not be deemed a sale for purposes of this article and such transaction shall be exempt from the provisions of this article.

(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 article.

Section 36-88. Severability.

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

Hillsborough County Land Development Code

Current through Ordinance 20-17, effective October 2, 2020. (Supplement 46)

Article II – Zoning Districts

Part 2.02.00 – Uses Allowed Within Zoning Districts

Section 2.02.02. Allowable uses in zoning districts.

1. The table below indicates the categories of uses which are allowable in each standard zoning district within Hillsborough County. The categories of uses are arranged in the vertical column on the left side of the table and the zoning districts are listed across the top. "P" indicates that the use is permitted, subject to the standards of this Code. "C" indicates the use is a Conditional Use that may be allowed in the identified district pursuant to conformance with the design standards contained in Article VI. No public hearing is required for Conditional Uses unless otherwise stated in the applicable standards in Article VI. "S" designates uses as Special Uses that may be established in the district, pursuant to a noticed public hearing as described in Part 10.02.00 and in conformance with the standards contained in Article VI. An "A" indicates the use is an Accessory Use that may be established in the district pursuant to the requirements of Article VI. Uses identified with an "N" are potentially permitted Conditional Uses in the identified district pursuant to the criteria contained in Section 6.11.65 (Non-Industrial

Uses in Industrially Designated Areas). A blank space indicates that the use is prohibited. All uses are subject to the development standards of the zoning district in which it is to be located as well as all other rules and regulations of this Code and Hillsborough County.

2. All uses are potentially permitted in Planned Development (PD) districts, subject to the policies of the Comprehensive Plan, the requirements of Part 5.03.00 of this Code and all other rules regulations and ordinances of Hillsborough County. Land uses permitted in existing Planned Development districts are specified in the PD's conditions of approval. Requests for rezonings or modifications to Planned Developments are reviewed in accordance with Part 10.03.00 of this Code.

a. In Planned Development (PD) districts approved after October 1, 2005, wireless communication facilities shall be permitted only if expressly allowed as a specifically identified use by the conditions of approval. In such cases, the location of the facility, height of the antenna support structure and design and/or camouflage requirements shall be addressed by the PD site plan and conditions. Notwithstanding, wireless communication facilities which comply with the provisions of Sections 6.11.29.A-B. shall be permitted in any PD district.

3. All uses permitted in Traditional Neighborhood Developments (TNDs), Pedestrian-Oriented Developments (PODs) and Transit-Oriented Developments (TODs) are identified in Part 5.08.00 of this Code.

Key: **P** = Permitted. **C** = Conditional Use, permitted pursuant to standards of Article VI (no public hearing required unless specified in applicable section) and the procedures of Section 10.01.00. **s** = Special Use, noticed public hearing required and subject to standards of Article VI. Reviewed pursuant to Section 10.02.00. **A** = Accessory use, permitted pursuant to Article VI. **N** = Potentially permitted pursuant to Section 6.11.65. **CNR** = Conditional Use/No Review, permitted without prior zoning review subject to requirements of Part 6.11.00. **Blank** = Prohibited.

Table of Allowable Uses in Zoning Districts															
				AS				RSC						RDC	
	AM	A	AR	0.4	-1	C-1	AI	2	3	4	6	9	10	6	12
Neighborhood, General and High Intensity Business and Commercial															
Gun Sales															
Gunsmith															

Article III – Special Districts
Part 3.12.00 – Brandon Main Street Development Regulations

Section 3.12.05. Town Center I District (BMS TC1).

B. Permitted Uses

2. The following uses shall be permitted on "B" streets only: Canopies and gasoline pump islands as accessory uses; ...; gun sales; hardware store; laundries; motorized vehicle repair (minor and neighborhood); printing services; radio and TV sales; restaurants with drive-up facilities; service station; sign painting; temporary labor pool; and vehicle parts sales.

Section 3.12.06. Town Center II District (BMS TC2).

B. Permitted Uses

2. The following uses shall be permitted on "B" streets only: Canopies and gasoline pump islands as accessory uses; ... gun sales; hardware store; laundries; motorized vehicle repair (minor and neighborhood); printing services; radio and TV sales; restaurants with drive-up facilities; service station; sign painting; temporary labor pool; and vehicle parts sales.

Hollywood Code of Ordinances
 Current through Ordinance O-2020-08, passed July 1, 2020. (Supplement 46)

XI – Business Regulations
Chapter 127 – Other Businesses
Weapons Dealers

Section 127.200. Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Ammunition. All pistol or revolver ammunition, shotgun shells, metallic ammunition suitable for use in rifles or any .22 caliber rimfire ammunition. No distinction shall be recognized between new and reloaded ammunition.

Firearms. Any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion.

Firearms and Ammunition Dealers Licenses. Any person engaged in the business of selling new or used firearms or ammunition or cartridge cases, primers, bullets or propellant powder, at wholesale or retail, and shall include pawnbrokers, or any person engaged in the business of repairing such firearms or manufacturing or fitting special barrels, stocks, trigger mechanisms or breach mechanisms to firearms.

Section 127.201. Dealer’s local business tax receipt.

(A) All firearms and ammunition dealers shall obtain a firearms and ammunition dealer’s local business tax receipt; the local business tax shall be \$100 per year.

(B) All applications for a dealer’s local business tax receipt shall be accompanied by a federal firearms license duly issued by the U.S. Department of Justice and verified by the Chief of Police or his or her designee.

Section 127.202. Recordkeeping.

- (A) Each holder of a local business tax receipt shall maintain complete and adequate records reflecting the receipt and disposition, at wholesale and retail, of all firearms (including firearms in an unassembled condition, but not including miscellaneous parts thereof) physically or constructively received or disposed of in the course of his or her business.
- (B) Entries in such records shall be posted at the time of each transaction, or in each instance not later than the close of business on the day next succeeding the date on which the transaction occurs.
- (C) The records prescribed in this section shall be retained on the business premises for a period of not less than ten years from the date of the transaction or until the discontinuance of business by the licensee.
- (D) Where the business is discontinued and succeeded by a new holder of the local business tax receipt, the records will appropriately reflect such facts and will be delivered to the successor.
- (E) Such records shall be open to police inspection at all times.
- (F) Where discontinuance of the business is absolute, the records will appropriately reflect that fact and be disposed of in accordance with provisions of the Code of Federal Regulations covering such case.
- (G) The records will show and include the following information:
 - (1) A full and adequate description of each firearm, including:
 - (a) The manufacturer thereof;
 - (b) The manufacturer's serial number stamped thereon;
 - (c) The caliber or gauge of the firearm; and
 - (d) The model and type of firearm;
 - (2) The name and address of each person from whom the firearm was received, together with the date of acquisition; and
 - (3) The disposition made of each firearm, including the name and address of the person to whom sold and the date of disposition.

Hollywood Zoning and Land Development Regulations

Current through Ordinance O-2020-02, passed December January 15, 2020. (Supplement 12)

Article 4 – Schedule of District, Use and Setback Regulations

Section 4.6. Regional Activity Center, Downtown and Beach Community Redevelopment, and Transit Oriented Corridor Districts.

B. Regional Activity Center and Downtown Community Redevelopment Districts.

4. District use and development regulations. The purpose of the district specific regulations is to reinforce the existing and potential character of each district and subdistrict.

a. Core Districts.

(2) Core Districts Use and Development Regulations:

(d) RC-2 – Historic Retail Core

(i) RC-2 – Historic Retail Core Use Table.

RC-2 – Historic Retail Core Uses			
Main Permitted Uses	Accessory Uses	Special Exception Uses	Prohibited Uses
Bar, Lounge, or Night Club ² ... Schools (Recreational or Cultural) ¹	Tattoo, Body Art, or Body Piercing ... Any use customarily associated with one of the Main Permitted Uses.		Contractor Shop and Storage (Indoor or Outdoor) ... Gun Shop ... Any use not listed as a Main Permitted Use.

c. Federal Highway Districts.

(2) Federal Highway Districts Use and Development Regulations:

(b) FH-2 – Federal Highway Medium-High Intensity Mixed-Use District.

(i) FH-2 – Federal Highway Medium-High Intensity Mixed-Use District Use Table.

FH-2 – Federal Highway Medium-High Intensity Mixed-Use District Uses			
Main Permitted Uses	Accessory Uses	Special Exception Uses	Prohibited Uses
Adult Educational Facilities ¹ ... Motel	Cabinet, Furniture, and Upholstery Shop ... Any use customarily associated with one of the Main Permitted Uses.	Day Care Facility Schools (K-12) Service Station	Adult Entertainment or Adult Related Uses ... Gun Shop ... Any use not listed as a Main Permitted Use.

e. North Downtown Districts.

(2) North Downtown Districts Use and Development Regulations:

(c) ND-3 – North Downtown High Intensity Mixed-Use District

(i) ND-3 – North Downtown High Intensity Mixed-Use District Use Table.

ND-3 – North Downtown High Intensity Mixed-Use District Uses			
Main Permitted Uses	Accessory Uses	Special Exception Uses	Prohibited Uses
Antique, Consignment, Collectible, and Vintage Store ...; Recreational or Cultural; and University) ¹	Outdoor produce sales (fresh fruit, vegetable, plant and flower retail sales), accessory to a grocery store, specialty market, or similar use ² Tattoo, Body Art, or Body Piercing Establishments, associated with an Art Gallery ³ Any use customarily associated with one of the Main Permitted Uses.		Automotive Sales, Paint, or Repair ... Gun Shop ... Any use not listed as a Main Permitted Use.

f. Parkside Districts.

(2) Parkside Districts Use and Development Regulations:

(c) PS-3 – Parkside High Intensity Mixed-Use District

(i) PS-3– Parkside High Intensity Mixed-Use District Use Table.

PS-3 – Parkside High Intensity Mixed-Use District Uses			
Main Permitted Uses	Accessory Uses	Special Exception Uses	Prohibited Uses
Antique, Consignment, Collectible, and Vintage Store ... Single Family Residential	Food Processing associated with a Restaurant Any use customarily associated with one of the Main Permitted Uses.	Adult Educational Facilities Day Care Facility Schools (All)	Adult Entertainment or Adult Related Uses ... Gun Shop ... Any use not listed as a Main Permitted Use.

i. Young Circle District.

(2) Young Circle District Use and Development Regulations:

(a) YC – Young Circle Mixed-Use District.

(i) YC – Young Circle Mixed-Use District Use Table.

YC – Young Circle Mixed-Use District Uses			
Main Permitted Uses	Accessory Uses	Special Exception Uses	Prohibited Uses
Adult Educational Facilities, above the ground floor ¹ ... Multi-Family Residential, except on the ground floor adjacent to Federal Highway, Tyler Street, Harrison Street, Hollywood Boulevard, and Young Circle.	Food Processing associated with a Restaurant Tattoo, Body Art, or Body Piercing Establishments, associated with an Art Gallery ² Any use customarily associated with one of the Main Permitted Uses.	Amusement Uses (Outdoor) Day Care Facility Place of Worship, Meeting Hall, and Fraternal Lodge Schools (K-12)	Adult Entertainment or Adult Related Uses ... Gun Shop ... Any use not listed as a Main Permitted Use.

D. State Road 7 Transit Oriented Corridor Districts.

4. District use and development regulations. The purpose of the district specific regulations is to reinforce the existing and potential character of each district and subdistrict.

b. North District.

(2) North District Use and Development Regulations.

(a) N-MU – North Mixed-Use District

(i) N-MU – North Mixed-Use District Use Table.

N-MU - SR7 North – Mixed-Use District Uses			
Main Permitted Uses	Accessory Uses	Special Exception Uses	Prohibited Uses
Adult Educational Facilities ¹ .. Motel	Cabinet, Furniture, Upholstery Shop Car Wash ⁴ ... Any use customarily associated with one of the Main Permitted Uses.	Automotive Truck Rental ² Day Care Facilities Parking Lots and Garages (commercial), fronting State Road 7 Schools (K-12) Service Station	Adult Entertainment or Adult Related Uses ... Gun Shop ... Any use not listed as a Main Permitted Use.

c. Central Districts.

(2) Central Districts Use and Development Regulations.

(b) C-LP – Central Linear Park District

(i) C-LP – Central Linear Park District Use Table.

C-LP - SR7 Central – Linear Park Mixed-Use District Uses			
Main Permitted Uses	Accessory Uses	Special Exception Uses	Prohibited Uses
Artisan and Maker Manufacturing ... Single Family Residential	Parking Lot accessory to a Main Permitted Use Outdoor produce sales (fresh fruit, vegetable, plant and flower retail sales) ¹ Any use customarily associated with one of the Main Permitted Uses.	Day Care Facility Place of Worship, Meeting Hall, and Fraternal Lodge Schools (All)	Adult Entertainment or Adult Related Uses ... Gun Shop ... Any use not listed as a Main Permitted Use.

(c) C-JS – Central Johnson Street District

(i) C-JS – Central Johnson Street District Use Table.

C-JS - SR7 Central – Johnson Street Mixed-Use District Uses			
Main Permitted Uses	Accessory Uses	Special Exception Uses	Prohibited Uses
Adult Educational Facilities ^{1,2} Amusement Uses (indoor) ² ... Single Family Residential, except adjacent to Johnson Street	Automotive Repair ² Cabinet, Furniture, Upholstery Shop ² Light Manufacturing associated with Retail or Showroom ² Outdoor produce sales (fresh fruit, vegetable, plant and flower retail sales), accessory to a grocery store, specialty market, or similar use ⁴ Any use customarily associated with one of the Main Permitted Uses.	Day Care Facility Schools (K-12) ² Service Station ²	Adult Entertainment or Adult Related Uses All General and Heavy Manufacturing Uses ... Gun Shop ... Any use not listed as a Main Permitted Use.

(d) C-MU – Central Mixed-Use District

(i) C-MU – Central Mixed-Use District Use Table.

C-MU - SR7 Central – Mixed-Use District Uses			
Main Permitted Uses	Accessory Uses	Special Exception Uses	Prohibited Uses
Adult Educational Facilities ¹ Amusement Uses ... Place of Worship, Meeting Hall, and Fraternal Lodges	Automotive Paint or Body ... Any use customarily associated with one of the Main Permitted Uses.	Automotive Truck Rental ² Day Care Facilities Outdoor Storage Schools (K-12) Service Station	Adult Entertainment or Adult Related Uses ... Gun Shop ... Any use not listed as a Main Permitted Use.

d. South Districts.

(2) South District Use and Development Regulations.

(a) S-MU – South Mixed-Use District

(i) S-MU – South Mixed-Use District Use Table.

S-MU - SR7 South – Mixed-Use District Uses			
Main Permitted Uses	Accessory Uses	Special Exception Uses	Prohibited Uses
Adult Educational Facilities ¹ ... Motel	Automotive Paint or Body ... Any use customarily associated with one of the Main Permitted Uses.	Day Care Facilities Schools (K-12) Service Station	Adult Entertainment or Adult Related Uses ... Gun Shop ... Any use not listed as a Main Permitted Use.

Jacksonville Code of Ordinances

Current through Ordinance 2021-250-E, enacted June 30, 2021. (Supplement 54, Update 4)

**Title V – Administration and Personnel
Chapter 106 – Budget and Accounting Code
Part 4 – Fiscal Management
Subpart E – Miscellaneous Provisions**

Section 106.444. Sale of firearms; City funding.

(a) No person who receives funds from the City through Public Services Grants or who receives any operational funding from the City shall allow firearms to be sold on any property owned, leased, or controlled by such person unless the sale is made by a licensed firearms dealer or the sale is to be made to a licensed gun dealer.

(b) **Firearms** has the same meaning as set forth in F.S. Ch. 790.

(c) **Licensed gun dealer** means a person licensed by the state or federal government to sell firearms.

**Chapter 122 – Public Property
Part 1 – Municipal Buildings and Offices**

Section 122.108. Restrictions on leases of City property.

(a) Every lease entered into for the lease of City facilities shall prohibit any person other than a licensed firearms dealer from selling and delivering firearms pursuant to that lease on the leased premises, unless the sale is to be made to a licensed gun dealer.

(b) **Firearms** has the same meaning as set forth in F.S. Ch. 790.

(c) **Licensed gun dealer** means a person licensed by the state or federal government to sell firearms.

**Zoning Section
Chapter 656 – Zoning Code
Part 3 – Schedule of District Regulations
Subpart I – Springfield Zoning Overlay and Historic District Regulations**

Section 656.369. Springfield performance standards and development criteria.

The following permitted uses or permissible uses by exception shall meet the performance standards and criteria listed under each use. These uses are in addition to, rather than in lieu of, the supplementary regulations of Section 656.401, as applicable.

(c) Home occupations. Home occupations shall be allowed subject to the following criteria:

(1) Home occupations are intended to be small-scale, limited businesses that do not detract from the residential character of the neighborhood. Home occupations shall be accessory to the principal residential use. Home occupations shall meet the following standards:

(P) The business shall not in any manner deal in firearms or ammunition.

Subpart K – Traditional Neighborhood Development (TND) District

Section 656.383. Prohibited uses.

The following nonexclusive list of uses are not permitted anywhere within a TND: ... gun shops, pawn shops, chicken hatcheries, packing houses, tire vulcanizing and retreading, automobile sales and rental, any commercial use in which patrons remain in their automobiles while receiving goods or services, except service stations; on-site enameling, painting or plating of materials for off-site use, except artists' studios and as provided in the workshop land use category; outdoor advertising or billboards; terminal or yard used for the business of carting, moving, or hauling goods, except delivery of goods to businesses within a TND; prisons or detention centers, except as accessory to a police station; manufacture, storage or disposal of hazardous waste materials; scrap yards; mobile homes; sand, gravel or other mineral extraction; or kennels.

Jacksonville Beach Code of Ordinances

Current through Ordinance 2021-8166, enacted May 17, 2021. (Supplement 48)

Chapter 34 – Land Development Code

Article VII – Zoning Districts

Division 2 – Zoning Districts, Permitted Uses, Accessory Uses, Conditional Uses, Dimensional Standards, Off-Street Parking and Loading Standards, Supplemental Standards, Landscaping Standards, Sign Standards, and Environmental Standards

Section 34-346. Industrial district: I-1.

(d) Conditional uses. The following uses are permitted as conditional uses in the I-1 zoning district, subject to the standards and procedures established in section 34-221 et seq.

(12) Firearms manufacturing and retail sales.

Lauderdale Lakes Land Development Regulations

Current through Ordinance 2020-06, enacted October 27, 2020. (Supplement 31)

Chapter 7 – Use Regulations

Section 704. Business zoning districts.

704.3. Community business (B2) district.

704.3.2. Conditional use. The following uses if first approved as a conditional use:

Gun sales.

704.4. General business (B3) district.

704.4.2. Conditional use. The following uses may be established if first approved as a conditional use:

Gun sales.

704.5. Intense business (B4) district.

704.5.2. Conditional use. The following uses may be established, if first approved as a conditional use:

Gun sales.

Section 712. Specific use regulations.

The specific conditions set out below shall be applied to each proposed use during conditional use and site plan review.

712.28. Prohibited uses. No land, water, building or structure or part thereof shall be used, in whole or in part, for any of the following uses, either as a principal or accessory use:

712.28.7. Manufacturing or storage of explosives, including fireworks and ammunition.

Lauderhill Land Development Regulations

Current through Ordinance 21O-03-108, enacted May 10, 2021. (Supplement 98)

Article I – General Provisions

Section 1.5. Definitions, general.

Firearm: Any weapon 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; or any destructive device. The term "firearm" shall include, but not be limited to, guns, rifles, pistols, revolvers, or machine guns.

Article III – Zoning Districts

Section 3.2. Commercial zoning districts.

3.2.5. Commercial Entertainment (CE) zoning district.

B. Permitted principal uses and structures. The following types of land uses and structures are allowed within the CE zoning district as a permitted use and structure:

24. Retail sales (indoor and outdoor), neighborhood-scale and community-scale but excluding auction house, consignment shop, convenience store, firearm and ammunition, flea market, furniture store, pawn shop, supermarket, thrift store, and vehicular and vehicular related uses;

Section 5.19. Firearm and ammunitions sales.

There shall be a minimum distance requirement of one thousand (1,000) feet, shortest airline measurement, between any two (2) plots occupied or to be occupied for such firearm and ammunition sale use. In addition there shall be a minimum distance requirement of one thousand (1,000) feet, shortest airline measurement, between a plot occupied or to be occupied for firearm and ammunition sale use and a plot occupied or to be occupied for church, school, playground, or residential use.

Leon County Code of Ordinances

Current through Ordinance 21-04, adopted February 22, 2021. (Supp. No. 3).

Chapter 12 – Offenses, Miscellaneous

Article III – Criminal History Records Check and Waiting Period of Purchase of Firearms

Section 12-71. Intent and purpose.

(a) It is the intent of this article to implement county-wide the constitutionally granted authority to ensure that no firearm is sold, offered for sale, transferred or delivered where any part of the transaction is conducted on property to which the public has a right of access unless there is a full three day waiting period and a national criminal history background check of the potential purchaser is conducted. This article applies to both seller and purchasers of firearms.

(b) Any violation of this article presents a serious threat to the public health, safety, or welfare and the violation is considered irreparable or irreversible.

Section 12-72. Definitions.

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

Antique firearms 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 U.S. 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 or delivery of the firearm.

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

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

FDLE means the state department of law enforcement.

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" does not include an antique firearm unless the antique firearm is used in the commission of a crime.

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

Licensed dealer means a dealer licensed under the provisions of 27 CFR 478, or any successor federal regulations requiring licenses for firearm dealers.

Licensed importer means an importer licensed under the provisions of 27 CFR 478, or any successor federal regulations requiring licenses for firearm importers.

Licensed manufacturer means a manufacturer licensed under the provisions of 27 CFR 478, or any successor federal regulations requiring licenses for firearm manufacturers.

NICS means the National Instant Criminal Background Check System established pursuant to 18 USC 922.

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

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

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

Seller means the person delivering a firearm in any sale.

Section 12-73. Mandatory three-day waiting period.

There shall be a mandatory three-day waiting period, which shall be three full days, excluding weekends and legal holidays, in connection with the sale of firearms occurring within the county when the sale involves 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 72 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 F.S. 125.69(1), as it may be amended, and the violation shall be prosecuted in the same manner as misdemeanors are prosecuted.

Section 12-74. Mandatory criminal records check.

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

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

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

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

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

a. The full legal name of the seller.

b. The name of the licensed importer, licensed manufacturer, or licensed dealer who will be completing the transaction of behalf of the seller.

c. The license number of the licensed importer, licensed manufacturer, or licensed dealer who will be completing the transaction of behalf of the seller.

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

Section 12-75. Posting of ordinance.

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

Section 12-76. Exemptions.

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

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

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

Section 12-77. Applicability.

This article shall be effective in the incorporated as well as unincorporated areas of the county.

Section 12-78. Enforcement.

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

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

Macclenny Code of Ordinances

Current through Ordinance 21-02, enacted May 11, 2021. (Supplement 23, Update 1)

**Chapter 10 – Fire Protection and Prevention
Article I – In General**

Section 10.11. Explosives, blasting agents and ammunition; permits and bonds required.

(a) Permits shall be obtained:

(1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents or small arms ammunition.

(c) Before a permit is issued the applicant shall file with the fire department and building and zoning a corporate surety bond in the principal sum of one hundred thousand dollars (\$100,000.00) or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit. The fire chief may specify a greater or lesser amount when, in his opinion, conditions at the location of use indicate a greater or lesser amount is required.

(d) As used in this section the terms blasting agent, carrier, explosive, small arms ammunition, and terminal shall have the same meaning as those terms have in the Florida Fire Prevention and Life Safety Codes.

Margate Code of Ordinances

Current through Ordinance 2021-3, enacted April 21, 2021. (Supplement 22)

**Appendix A – Zoning
Article VII – Transit Oriented Corridor, Corridor (TOC-C) District**

Section 7.3. TOC-C Corridor permitted uses.

(A) Permitted uses. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than any of the uses specified below.

(e) Subject to requirements of Section 33.11 of this Code.

Gun shop.

Article IX – Transit Oriented Corridor, City Center (TOC_CC) District

Section 9.9. Mixing of uses.

2. Mixing of residential and nonresidential uses within the same building of at least four (4) stories in height may be authorized within the TOC-CC District by Special Exception, subject to functionally appropriate separation of the uses, including, but not limited to: separate stories; separate access; separation and buffering of residential units from loading areas and noisy nonresidential uses via one (1) or more intervening stories of office use, extra-thick concrete floors, soundproofing on ceilings, walls and sound-containing openings, operational standards and time limits, or other proven technique acceptable to the city. Furthermore, the following uses shall not be located within a building containing residential use:

g. Gun shop.

Section 23.3. Permitted uses.

(A) Permitted uses specified. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following specified uses:

Gun shop.

Marion County Land Development Code

Current through Ordinance 19-27, adopted November 26, 2019. (Supplement 4)

Article 4 – Zoning

Division 2 – Zoning Classification

Section 4.2.18. Community Business (B-2) classification.

B. Permitted Uses (including all the permitted uses in B-1):

Gun shop

Section 4.2.23. Rural Commercial (RC-1) classification.

B. Permitted Uses:

Gun store

Section 4.2.24. Rural Activity Center (RAC) classification.

B. Permitted uses:

Stores, department, drug, gun furniture, garden supplies, hardware, household appliances including maintenance, repair.

Martin County Code of Ordinances

Current through Ordinance 1149, enacted November 17, 2020. (Supplement 51)

Chapter 75 – Firearms

Section 75.2. Local option.

In accordance with the authority granted by the Article VIII, Section 5.(b) of the Constitution of the State of Florida, Martin County hereby requires a three-day waiting period, excluding weekends and legal holidays, in connection with the sale of any firearm occurring within Martin County. For purposes of this section, 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 section when purchasing a firearm.

Miami 21 Zoning Code

Current through January 2019.

Article 6 – Supplemental Regulations

Section 6.1. Intent and Exclusions.

Specifically excluded from all Transect Zones in the City are ... ammunition plants, fireworks manufacturing, house barges, refining, smelting, forging, and unattended donation collection bins.

Miami Dade County Code of Ordinances

Current through Ordinance 21-40, enacted May 18, 2021. (Supplement 114)

Chapter 21 – Offenses and Miscellaneous Provisions

Article III – Weapons

Division 1 – In General

Section 21-17. Possession of weapons by felons, intoxicated persons, etc.

It shall be unlawful for any person who has been convicted of a felony, or who is under the influence of alcohol or a narcotic or drug to wear or have about his person or in any vehicle in which he is an occupant any firearm or other dangerous or deadly weapon.

Division 2 – License to Sell Firearms

Section 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.

(3) Firearm means any weapon 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; and firearm muffler or firearm silencer; any destructive device; or any machine gun. Such term does not include an antique firearm.

(4) Property to which the public has the right of access means any real or personal property to which the public has a right of access, including property owned by either public or private individuals, firms and entities and expressly includes, but is not limited to, flea markets, gun shows and firearms exhibitions.

(5) Sale means the transfer of money or other valuable consideration.

(b) Application and enforcement of section. Law enforcement officers shall have the right to enforce the provisions of this section against any person found violating these provisions within their jurisdiction.

(c) Sale and delivery of firearms; mandatory five-day waiting period. There shall be a mandatory 5-day waiting period, which shall be 5 full days, excluding weekends and legal holidays, between the hour of the sale and the hour of the delivery of any firearm when any part of the transaction is conducted within Miami-Dade County on property to which the public has the right of access.

(d) Sale and delivery of firearms; mandatory criminal records check. No person, whether licensed or unlicensed, shall sell, offer for sale, transfer or deliver any firearm to another person when any part of the transaction is conducted on property to which the public has the right of access within Miami-Dade County until all procedures specified under section 790.065, Florida Statutes, have been complied with by a person authorized by that section to conduct a criminal history check of background information as specified in that section, and the approval number set forth by that section has been obtained and documented. Upon the repeal of section 790.065, Florida Statutes, no person, whether licensed or unlicensed, shall sell, offer for sale, transfer or deliver any firearm to another person when any part of the transaction is conducted on property to which the public has the right of access until all procedures specified under any other state or federal law which requires a national criminal history information or national criminal history check on potential buyer or transferee of firearms have been complied with by any person authorized by law to conduct the required national criminal history or background records check and any required approval under such state or federal law or rule has been obtained. "Person" for purposes of this subsection shall include any person, including, but not limited to a licensed importer, licensed manufacturer or licensed dealer and any unlicensed person.

In the case of a seller who is not a licensed importer, licensed manufacturer or licensed dealer, compliance with section 790.065 or its state or federal successor shall be achieved by the seller requesting that a licensed importer, licensed manufacturer or licensed dealer complete all the requirements of section 790.065 or its state or federal successor. Licensed importers, manufacturers and dealers may charge a reasonable fee of an unlicensed seller to cover costs associated with completing the requirements of section 790.065.

(e) Exemptions. Holders of a concealed weapons permit as prescribed by state law and holders of an active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer, a correctional officer, or a correctional probation officer as set forth in state law shall not be subject to the provisions of this section.

Sales to a licensed importer, licensed manufacturer or licensed dealer shall not be subject to the provisions of this section.

(f) Penalties. Any person violating any provision of this section shall be punished by a fine not to exceed \$500 or by imprisonment not to exceed 60 days in the County Jail, or by both such fine and imprisonment. Nothing contained herein shall be construed to preempt the imposition of any higher penalties imposed by state or federal law.

(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.

Chapter 33 – Zoning Article XXVII – BU-3 Liberal Business District

Section 33-255. Uses permitted.

No land, body of water and/or structure in the BU-3 District shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, arranged or intended to be used, occupied or maintained for any purpose, unless otherwise provided for, except for one or more of the following uses:

- (16) Gun shops.

Article XXXIIIH – Traditional Neighborhood Development (TND) District

Section 33-284.47. Design criteria.

(A) The following design criteria and requirements shall be applicable in the TND District. Terms used throughout this ordinance shall take their commonly accepted meaning unless otherwise defined in Chapter 33 or Chapter 28 of the Code of Miami-Dade County. Terms requiring interpretation specific to this ordinance are as follows:

(28) Prohibited uses: The following uses are not permitted anywhere within a TND: ... gun shops, pawn shops, chicken hatcheries, packing houses, tire vulcanizing and retreading, automobile sales and rental, any commercial use in which patrons remain in their automobiles while receiving goods or services, except service stations; on-site enameling, painting or plating, of materials for off-site use, except artist's studios and as provided in the workshop land use category; outdoor advertising or billboard; terminal or yard used for the business of carting, moving, or hauling goods, except delivery of goods to businesses within a TND; prisons, or detention centers, except as accessory to police station; manufacture, storage or disposal of hazardous waste materials; scrap yards; mobile homes; sand, gravel, or other mineral extraction; kennels.

Miami Lakes Code of Ordinances

Current through Ordinance 21-274, adopted March 9, 2021. (Supplement 9, Update 4)

Chapter 13 – Land Development Code

Article IV – Zoning District Regulations

Division 20 – Business, Commercial and Industrial District Master List

Section 13-748. Business, Commercial and Industrial Use Master List.

Use	RO-13	RO-50	BU-1A	BU-2	IU-1	IU-C	TC	*Add'l Regs
Pistol, rifle, skeet, archery ranges and accessory munition, firearm, and equipment sales.			C	C	C	C		§ 13-759, § 13-781

Division 23 – TND Traditional Neighborhood Development District

Section 13-822. Design criteria.

(a) The following design criteria and requirements shall be applicable in the TND District. Terms used throughout this ordinance Ord. No. 13-155 shall take their commonly accepted meaning unless otherwise defined in this chapter. Terms requiring interpretation specific to this ordinance Ord. No. 13-155 are as follows:

(27) Prohibited uses: The following uses are not permitted anywhere within a TND: ... gun shops, pawn shops, chicken hatcheries, packing houses, tire vulcanizing and retreading, automobile sales and rental, any commercial use in which patrons remain in their automobiles while receiving goods or services, except service stations; on-site enameling, painting or plating, of materials for off-site use, except artist's studios and as provided in the workshop land use category; outdoor advertising or billboard; terminal or yard used for the business of carting, moving, or hauling goods, except delivery of goods to businesses within a TND; prisons, or detention centers, except as accessory to police station; manufacture, storage or disposal of hazardous waste materials; scrap yards; mobile homes; sand, gravel, or other mineral extraction; kennels.

Miami Shores Village Code of Ordinances

Current through Ordinance 2020-05, adopted July 21, 2020. (Supplement 11)

Appendix A – Zoning

Article V – Supplementary Regulations

Division 2 – Use Regulations

Section 501. Prohibited uses.

No use shall hereafter be established in any district unless the same is included among the uses permitted in such district as set forth in the schedule adopted by Article IV, either by specific listing or by the application of standards specified in this ordinance. For the purpose of clarification, the following list sets forth uses that are among those that shall not be deemed to be permitted anywhere in the village:

- (22) The following business operations between the hours of 1:00 a.m. and 6:00 a.m.:

- a. The sale of food, beverages, clothing, firearms and firearm ammunition.

Division 24 – Miami Shores Downtown District

Section 580. Miami Shores Downtown District land use restrictions.

(2) The following land uses are incompatible with the goals and purpose of this division for "Miami Shores Downtown District" development and are prohibited:

- b. Firearms and accessories.

Miami Springs Code of Ordinances

Current through Ordinance 1117-2021, passed January 25, 2021. (Supplement 34)

**Title XV – Land Usage
Chapter 150 – Zoning Code
Article VII – Business District**

Section 150-070. CBD central business district.

(C) Conditional uses. Conditional use request shall be viewed by the Planning & Zoning Board and a recommendation transmitted to the City Counsel for a decision.

Weapons and related products used for sporting and hunting activities. No more than one store allowed in the district.

Section 150-071. NBD neighborhood business district.

(C) Prohibited uses.

Gun shop;

Section 150-072. B-3 arterial business district.

(A) Uses permitted.

(d) Gun and rifle shops.

Article XV – Large Scale Commercial Development District

Section 150-164. Northwest 36th Street District.

(C) Prohibited uses.

(5) Gun shop or gun range.

Section 150-165. Abraham Tract District.

B. Permitted uses.

(1) Principal uses and structures generally permitted.

(o) Gun shops and/or indoor ranges.

Section 150-166. Airport Golf District.

(C) Prohibited uses.

(9) Gun shop or gun range.

Milton Code of Ordinances

Current through Ordinance 1946-20, enacted July 14, 2020. (Supplement 13)

**Part III – Unified Development Code
Article 8 – Use Standards**

Section 8.1. Principle use standards.

Where applicable, uses are required to comply with the use standards provided in this Article, whether a permitted or special use, in addition to all other applicable regulations of this Unified Development Code, and Florida Building Code.

VV. Second Hand, Thrift, and Pawn Shops.

Consignment Shops.

(2) Shall be prohibited from the sale of guns, appliances, mattresses, and motor vehicles.

Miramar Land Development Code

Current through Ordinance 21-02, adopted November 16, 2020. (Supplement 39)

**Chapter 4 – Zoning
Article II – The Districts**

Section 403. Non-residential zoning districts

Table 403-1 NON-RESIDENTIAL AND MIXED-USE ZONING DISTRICTS PRINCIPAL USES TABLE

Legend

C – Conditional Use Permit Required

Blank Cell – Prohibited Use

Specific Use Standards	Principal Uses	B1	B2	B3	OP	EC	PID
Code Sec.	Retail Services						
N/A	Gun shop			C			C

North Lauderdale Code of Ordinances

Current through Ordinance 20-10-1410, adopted October 27, 2020. (Supplement 25)

**Chapter 106 – Zoning
Article XV – Business Districts
Division 2 – Master Business List**

Section 106-466. Purpose.

There is hereby created a master business list concerning permitted and prohibited uses in B-1, B-2, B-3 and B-4 districts:

- (1) It is the intent of this article to provide, in tabular form, a listing, referred to as the master business list, of the uses that shall be permitted or prohibited in the various business districts.
- (2) Where an "*" appears on the same line as a listed use, such use shall be permitted in the district as indicated by the column heading in which the "*" appears.
- (3) Where no "*" appears on the same line as a listed use, such use shall be prohibited in the district as indicated by the column heading, in the same manner.
- (4) Where a listed use is not permitted in any of the business districts, an "*" appears in the column headed "Prohibited."
- (5) Where an "*" is followed by a number, the listed use shall be subject to limitations and restrictions set forth in the corresponding supplemental regulations in section 106-467. For example *7 means that the applicable supplemental regulation can be found in section 106-467(7).
- (6) Any use not covered by the master business list may or may not be permitted by the city after recommendation by the planning and zoning board and the city administration within 30 days after application for approval.

Section 106-468. Master business list.

The master business list is as follows:

Business listings	Prohibited	B-1 Neighborhood	B-2 Commercial	B-3 Commercial	B-4 Commercial
Guns, retail			*7	*7	

North Miami Code of Ordinances

Current through Ordinance 1462, adopted April 27, 2021. (Supplement 67)

**Chapter 11 – Licenses and Business Regulations
Article II – Local Business Taxes**

Section 11-32. Gun shops; special permit required.

(a) All persons employed in or by the gun shop and all owners if an individual, or all officers, directors and stockholders if a closed corporation shall be fingerprinted and photographed by the police department. If a public corporation, only store employees shall be fingerprinted and photographed by the police department. They shall have no criminal record. All handguns, rifles and shotguns using metallic ammunition must be registered with the county and records shall be maintained as directed by the police department. Such records and premises shall be made available for police inspection during all regular business hours as well as at other times in case of emergency. The owner and operator shall maintain public liability insurance of at least one hundred thousand dollars (\$100,000.00). The premises shall be maintained in such a manner as to provide security for the prevention of burglary and shall be inspected by the police department

periodically for security. The owner and/or operator shall provide such security measures as are directed by the police department. Upon the failure of the business tax receipt holder to comply with any of the provisions hereof, the business operation shall immediately cease pending such compliance or action on appeal to the city council.

(b) In addition to the aforementioned requirements, applicants intending to engage in the sale of firearms shall provide proof to the city council at the time of its review of the special permit application of compliance with the following criteria as well as with the special conditions provided in the zoning ordinance:

(1) Possession of a valid federal firearms license to engage in the sale of firearms;

(2) Possession of a valid license, issued by the county, as provided by sections 21-20.1 through 21-20.15 of the County Code, to engage in the sale of firearms or a certification by the county that such firearm license is being withheld only because of the absence of special permit from the city under this section.

North Port Unified Land Development Code

Current through Ordinance 2021-18, enacted May 11, 2021. (Supplement 13)

Chapter 53 – Zoning Regulations

Article XIX – CRL Commercial Redevelopment Low Impact District

Section 53-227. Prohibited uses and structures.

A. Any use, structure or activity not expressly permitted herein, including specifically adult entertainment, or exhibition establishments, adult bookstores or any other establishments whose primary purpose is to sell sexually explicit material or the exhibition of sexually explicit activities. Listed permitted or permissible uses do not include either as a principal or an accessory use any of the following which are listed for emphasis:

(11) Fire arms.

Chapter 61 – Definitions

Section 61-3. Definitions and word usage.

Firearm, Any device designed to be used as a weapon or modified to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or other form of combustion.

Oakland Park Code of Ordinances

Current through Ordinance O-2020-025, enacted December 16, 2020. (Supplement 45)

**Chapter 24 – Land Development
Article III – District Regulations**

Section 24-41. Master business list.

(A) Purpose. It is the intent of this section to provide, in tabular form, a listing (herein referred to as the "master business list") of the uses that shall be permitted or prohibited in the various business districts.

(B) Key to table.

(1) Where a "P" appears on the same line as a listed use, said use shall be permitted in the district as indicated by the column heading in which the "P" appears.

(4) Where no letter "P", "C", or "A" appears on the same line as a listed use, said use shall be prohibited in the district as indicated by the column heading, in the same manner.

(5) Where a listed use is not permitted in any of the business districts, an "X" appears in the column headed "prohibited."

(6) Where a listed use is followed by parentheses and the symbol "*", the district where the symbol "*" is found is limited by the restrictions of the parenthesis in the business listing.

(8) Any use not listed on the master business list, as amended from time to time, shall be considered an "unlisted use." Such applications shall be reviewed and considered according to the conditional use provisions set forth herein.

Master Business List Key Summary:

P = Permitted Principal Use;

X = Prohibited Use

* = See Restriction in first column in parenthesis;

(C) Master business list. The following is the master business list, indicating the permitted and prohibited uses and those uses subject to the supplemental regulations and definitions of this section. The following uses are principal uses unless otherwise stated. In some cases, a use may be permitted in the district, but would constitute a change of use pursuant to the parking and landscaping sections of this code. There shall be no variances on the uses listed in the Master Business List in this subsection.

Business Listing	Prohibited	NB	B-1	B-2	B-3	I-1	PRZD	FHOD
Guns—retail (as accessory use)*			P*	P	P		P*	
Manufacture of: explosives, ammunition, insecticides, fertilizer, dangerous or obnoxious chemicals	X							

Article XX – Oakland Park Downtown Mixed Use District Regulations

Section 24-265. Downtown Mixed Use District Use Table.

Downtown Mixed Use District Use Table

Y=Allowed

N= Not permitted

C=conditional

Business Listings	Boulevard Commercial	North End Urban Residential	Park Place	Civic Use	Dixie Mixed Use	Residential Office Buffer	The Neighborhoods
Guns-retail	N	N	N	N	N	N	N

Orange County Code of Ordinances

Current through Ordinance 2021-19, enacted April 27, 2021. (Supplement 111)

**Chapter 26 – Miscellaneous Provisions and Offenses
Article V – Offenses Involving Public Safety
Division 2 – Firearm Purchase Waiting Period**

Section 26-93. Jurisdiction.

This division shall be effective in the incorporated and unincorporated areas of the county.

Section 26-95. Definitions.

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

Firearm means any weapon, including a starter gun or handgun, which will or 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" does not include an antique firearm as defined in F.S. 790.001.

Property to which the public has a right of access means any real or personal property to which the public has a right of access, including property owned by either public or private individuals, firms and entities and expressly includes flea markets, gun shows and firearms exhibitions.

Sale shall mean 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. For purposes of the foregoing, private residences shall be deemed property to which the public does not have the right of access.

Section 26-96. Waiting period; criminal history background check.

(a) No firearm shall be delivered to any person for a period of three (3) working days after the sale of such firearm.

(b) No person shall deliver a firearm to another person to consummate a sale when the transaction is subject to the waiting period in subsection (a) until the seller has complied with all of the provisions set forth in F.S. 790.065, requiring a criminal history check of the potential buyer.

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

(1) Compliance with F.S. 790.065, shall be achieved by the seller requesting that a licensed importer, licensed manufacturer or licensed dealer complete all the requirements of F.S. 790.065.

(2) Licensed importers, manufacturers and dealers may charge a fee of an unlicensed seller as established by the Florida Department of Law Enforcement to cover costs associated with completing the requirements of F.S. 790.065.

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

a. The full legal name of the seller.

b. The name(s) of the licensed importer, licensed manufacturer, or licensed dealer who will be completing the transaction on behalf of the seller.

c. The license number of the licensed importer, licensed manufacturer, or licensed dealer who will be completing the transaction on behalf of the seller.

(d) Sellers who conduct or cause to be conducted history records checks shall maintain records pursuant to Florida Statutes.

Section 26-97 Exemptions from waiting period.

The following shall be exempt from the waiting period set forth in Section 26-96 above.

(1) Individuals who are licensed to carry concealed firearms under the provisions of F.S. 790.06, or who are licensed to carry concealed firearms under any other provision of state law and who show a valid license.

(2) A law enforcement or correctional officer as defined in F.S. 943.10.

(3) A law enforcement agency as defined in F.S. 934.02.

(4) Sales to a licensed dealer, licensed importer or licensed manufacturer.

(5) A trade-in of another firearm.

Section 26-98. Inspection of records of firearm sales.

Records of firearm sales must be available for inspection, during normal business hours, by any law enforcement agency as defined in F.S. 934.02.

Chapter 38 – Zoning
Article IV – Zoning Districts Established; Zoning Map

Section 38-74. Permitted uses, special exceptions and prohibited uses.

(a) Use of buildings, structures, lands and premises. Except as may be provided otherwise, buildings, structures, lands and premises shall be used only in accordance with the uses and conditions contained in the "Use Table" set forth in section 38-77, the "Special Exception Criteria" set forth in section 38-78, and the "Conditions for Permitted Uses and Special Exceptions" set forth in section 38-79, subject to compliance with all other applicable laws, ordinances and regulations.

(b) Use table.

(1) The permitted uses and special exceptions allowed in the zoning districts identified in the use table set forth in section 38-77 are respectively indicated by the letters "P" and "S" in the cells of the use table. No primary use shall be permitted in a district unless the letter "P" or the letter "S" appears for that use in the appropriate cell.

(2) When a use is a permitted use in a particular zoning district, it is permitted in that district subject to:

- a. Compliance with all applicable requirements of chapter 38 and elsewhere in the Orange County Code; and
- b. Compliance with all requirements specified in the conditions for permitted uses and special exceptions" set forth in section 38-79 which correlate with the number which may appear within the cell of the use table for that permitted use.
- c. A use variance from section 38-77 (Use table) and section 38-79 (Conditions for permitted uses and special exceptions) shall be prohibited.

(3) When a use is permitted as a special exception in a particular zoning district, it is permitted in that zoning district subject to:

- a. Obtaining the special exception;
- b. Compliance with all applicable requirements of chapter 38 and elsewhere in the Orange County Code; and
- c. Compliance with all requirements specified in the special exception criteria set forth in section 38-78 and the conditions for permitted uses and special exceptions set forth in section 38-79 which correlate with the number which may appear within the cell of the use table for that special exception.

(4) Land uses on properties zoned P-D (planned development) shall be subject to the requirements of the P-D district as outlined in Chapter 38, Article VIII of the Orange County Code.

Section 38-77. Use table.

P = Permitted use

S = Special exception required

* = Conditions apply

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAAA	R-1AAA	R-1AA	R-1A
Sporting goods, bicycle stores firearms sales and rental	5941	Sporting goods & bicycle shops										
Locksmiths, lawnmower repair, bicycle repair, camera repair, gunsmith, taxidermists, sharpening services	7699	Repair services, locksmiths										

Uses Per Zoning Code	SIC Group	Land Use	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3
Sporting goods, bicycle stores firearms sales and rental	5941	Sporting goods & bicycle shops									P	P	P
Locksmiths, lawnmower repair, bicycle repair, camera repair, gunsmith, taxidermists, sharpening services	7699	Repair services, locksmiths									107 P S	P	P

Uses Per Zoning Code	SIC Group	Land Use	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions
Sporting goods, bicycle stores firearms sales and rental	5941	Sporting goods & bicycle shops					P			P	P		*
Locksmiths, lawnmower repair, bicycle repair, camera repair, gunsmith, taxidermists, sharpening services	7699	Repair services, locksmiths		P	P	P	P						*

Section 38-77.1. Horizon West Town Center PD Code Land Use Table.

Town Center Land Use Table

Uses Per Zoning Code	SIC Group	Land Use	Urban Residential	Corporate Campus Mixed Use	Traditional Town Center	Retail/Wholesale (Marketplace)	Corporate Neighborhood Center	Open Space
Sporting goods, firearms sales, & bicycle shops	5941	Sporting goods & bicycle shops	P(UNP) (162)	P(UNP) (164)	P	P	P(163)	

P = Permitted use

P(UNP)= Permitted when identified on an approved UNP (Unified Neighborhood Plan).

Section 38-79. Conditions for permitted uses, special exceptions, etc.

The following numbered conditions shall correlate with the numbers listed in the use table set forth in section 38-77 and the Horizon West Town Center Land Use Table set forth in section 38-77.1:

(162) May be permitted by location in a UR district limited to: Corner lots on parkway or avenue; one (1) per block; 600-foot spacing between other nonresidential uses; four (4) on-site parking spaces maximum; one thousand five hundred (1,500) square feet maximum per site; one (1) tenant maximum per site.

(163) In a Corporate Neighborhood Center limited to a minimum thirty thousand (30,000) square feet.

(164) In a Corporate Campus Mixed Use District use may be permitted by location, pursuant to section 38-1390.23, and limited to a maximum seven thousand five hundred (7,500) square feet.

Orange Park Code of Ordinances

Current through Ordinance 23-20, enacted December 1, 2020. (Supplement 6)

**Part III – Land Development Regulations
Article II – Zoning**

Section 2.04.00. District regulations.

2.04.00.01 Permitted Uses. Table II.1 lists those uses permitted in each conventional zoning district.

2.04.00.02 Uses allowed by right. Within Table II.1, an "." indicates that the use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this article. Conditional uses are indicated with a "c".

2.04.00.03 Uses for other purposes prohibited. Allowance of a use within Table II.1, and compliance with the applicable specific use standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table II.1, other than common and customary accessory uses as discussed in this article, and approved under the appropriate process is prohibited.

Use	Residential					Nonresidential				
	RS-1	RS-2	RS-3	RG-1	RG-2	CPO	CN	CG	CI	IW
Gun sales/repairs								.	.	

Palm Bay Code of Ordinances

Current through Ordinance 2021-39, passed June 17, 2021. (Supplement 35)

**Title XVII – Land Development Code
Chapter 185 – Zoning Code
Supplementary District Regulations**

Section 185.125. Home occupations.

(C) In a residentially zoned district, a home-based business occupational license may be issued for a business that does not meet all of the criteria identified in subsections (A) and (B) above provided the following criteria are met:

(6) A licensed firearms dealer may operate within their home, provided a Federal Firearms Permit is valid and secured prior to the business tax receipt application. No on-site storage of ammunition or items related to ammunition reloading, musket ball or muzzle manufacturing or re-loading may be permitted. Transfer of firearms to private individuals may not occur at the property where the home is located.

Palm Beach County Code of Ordinances

Current through Ordinance 2021-007, enacted March 9, 2021. (Supplement 107)

**Chapter 28 – Weapons
Article II – Firearms
Division 1 – Generally**

Section 28-21. Definitions.

As used in this article:

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

FDLE means the Florida Department of Law Enforcement.

Firearm means any weapon, including a starter gun or handgun, which will or 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; and destructive device; or any machine gun.

Handgun means a firearm capable of being carried and used by 1 hand, such as a pistol or revolver.

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

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

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

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

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

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, which includes, but is not limited to, flea markets, gun shows and gun exhibitions.

Shotgun means a shoulder-held firearm with a smooth bore designed primarily to fire shells containing multiple projectiles (shotshells).

Shotshell means a metal, plastic or cardboard case containing a primer, propellant and multiple projectiles intended to be fired from a shotgun.

Structure means that which is 3 feet or more in height which is built or constructed or erected or tied down having a fixed location on the ground such as buildings, homes and mobile homes.

Section 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 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.

Section 28-26 Applicability.

This article shall be applicable in both the unincorporated and incorporated areas of the county to the extent permitted by law.

Palm Shores Code of Ordinances

Current through Ordinance 2020-61, passed September 23, 2020. (Supplement 5)

Title XV – Land Usage

Chapter 157 – Zoning

Supplementary District Regulations

Section 157.505. Prohibited uses east of the eastern right-of-way line of U.S. Highway-1.

Notwithstanding any other provision in this code the following uses are prohibited east of the eastern right-of-way line of U.S. Highway-1:

- (W) Gun and/or ammunition sales;

Palmetto Bay Code of Ordinances

Current through Ordinance 2019-18, enacted July 30, 2019. (Supplement 6)

Chapter 30 – Zoning

Article II – Village of Palmetto Bay, Florida, Land Development Code

Division 30-50 – Zoning Districts

Section 30-50.17. B-2, Business District.

(b) Uses permitted. No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in any B-2 District except for one or more of the following uses:

- (17) Gun shops (firearms and ammunition sales).

Parkland Code of Ordinances

Current through Ordinance 22019-19, adopted November 6, 2019. (Supplement 10)

Appendix B – Land Development Code

Article 5 – Administrative and Legal Provisions

Division 35 – Definitions, Abbreviations, Acronyms and Rules of Construction

Section 5-3530. Terms defined.

The terms used herein shall be liberally interpreted in such a way as to require a reasonable application of such term to the circumstance in order to effectuate the public purposes contemplated herein. In the event that definitions contained under particular regulations are inconsistent with or more specific than those set forth in this section, such specific or particular definitions shall prevail. Where words have not been defined, the most recent edition of the Merriam-Webster Unabridged Dictionary shall prevail.

For the purposes of this chapter, the following words and phrases shall have the meanings herein set forth when not inconsistent with the context:

- Guns, retail**, means an establishment providing for the retail sale and/or servicing of firearms, ammunition, knives and related accessory items.

Article 10 - Districts

Division 45 – B-1, B-2, B-3, BCB-3, AND OP COMMERCIAL DISTRICTS

Section 10.4505. Uses permitted.

No building or structure or any part thereof shall be erected, altered or used or land or water used, in whole or in part, for other than one (1) or more of those specified as permitted, special exception or accessory within a particular zoning district in table 10-4505.1, permitted uses and master business. Permitted uses within the BCB-3 District are the B-3 permitted uses in table 10-4505.1, as well as the Broward County Zoning Code B-3 uses specifically authorized in a settlement agreement recorded in Office of Records Book 29272, Pages 1681 through 1699 of the Broward County, Florida Public Records.

B. Where the symbol "≠" appears on the same line as a listed use, said use shall be prohibited in the district as indicated by the column heading in which the symbol "≠" appears.

C. Where the letters "SE" appear on the same line as a listed use, the use shall be permitted only by special exception approval in the district as indicated by the column heading in which the letters "SE" appears. Such approval shall only be granted after the applicant has complied with the requirements for special exception uses pursuant to article 60, special exception uses.

Table 10-4505.1, PERMITTED USES AND MASTER BUSINESS LIST

Use	B-1	B-2	B-3, BCB-3	OP
Guns, retail	≠	SE	SE	≠

Pensacola Code of Ordinances

Current through Ordinance 05-21, adopted February 25, 2021. (Supplement 1)

Title XII – Land Development Code

Chapter 12.3 – Zoning Districts

Article IV – Neighborhood Preservation Standards

Section 12-3-57. Home occupation permits.

(e) Prohibited activities. A home occupation permit shall not be issued for any of the following uses or for a home occupation that requires any of the following activities:

- (1) Activities regulated by the Federal Bureau of Alcohol, Tobacco and Firearms;

Pinellas County Code of Ordinances

Current through Ordinance 21-11, adopted April 27, 2021. (Supplement 109)

Part I – Charter

Chapter 86 – Offenses and Miscellaneous Provisions

Article III – Offenses Involving Public Safety

Division 3 – Sale of Firearms

Section 86-85. Intent and purpose.

It is the intent of this ordinance to implement in the county the constitutionally granted authority to ensure that no firearm is sold, offered for sale, transferred or delivered where any part of the transaction is conducted on property to which the public has a right of access unless there is a three full day waiting period and a national criminal history background check of the potential purchaser is conducted. This ordinance applies to both seller and purchasers of firearms.

Section 86-86. Definitions.

For purposes of this section, the following terms shall be defined as:

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 or delivery of the firearm.

Firearm means any weapon 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. Such term does not include an antique firearm.

Property to which the public has the right of access means any real or personal property to which the public has a right of access, including property owned by either public or private individuals, firms and entities and expressly includes, but is not limited to, flea markets, gun shows and firearms exhibitions.

Sale means the transfer of money or other valuable consideration.

Section 86-88. Mandatory three-day waiting period.

There shall be a mandatory three-day waiting period, which shall be three full days, excluding weekends and legal holidays, in connection with the sale of firearms occurring within the county when the sale involves 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 the right of access include but are not limited to: gun shows, firearm exhibits, wholesale and retail stores, and flea markets. An uninterrupted, continuous, and cumulative aggregate of 72 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 F.S. 125.69, as it may be amended, and the violation shall be prosecuted in the same manner as misdemeanors are prosecuted.

Section 86-89. Mandatory criminal records check.

There shall be a mandatory national criminal history records check done in connection with the sale of firearms occurring within the 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 F.S. 790.065, have been complied with by a person statutorily authorized to request that a background information check be conducted by the Florida Department of Law Enforcement, which person has received an approval number from that department and documented same, as provided by F.S. 790.065. In case of repeal or amendment of F.S. 790.065, 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 a 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.

Section 86-90. Non-applicability to holders of Florida concealed weapon permits.

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

Section 86-91. Areas embraced.

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

Plant City Code of Ordinances
Current through Ordinance 03-2021, adopted January 11, 2021. (Supplement 76)Subpart B – Building and Land
Development Regulations
Chapter 102 – Zoning
Article IV – Districts
Division 9 – C-1A Neighborhood Business District

Section 102-491. Uses permitted.

In the C-1A neighborhood business district, all uses shall be done within a completely enclosed building, except where expressly allowed in Section 102-1045, and no building or premises shall be used and no building shall be erected or structurally altered which is arranged, intended or designed to be used for other than one or more of the following uses subject to the intensity limitations designated in Subdivision III of Division 9 of Article VII of this Chapter:

- (22) Gunsmith or locksmith.

Plantation Code of Ordinances
Current through Ordinance 2596, adopted February 10, 2021. (Supplement 24)
Chapter 27 – Zoning
Article VII – District Regulations
Division 23 – I-LP Light Industrial District

Section 27-534. Prohibited uses.

The following uses shall not be permitted in the I-LP district:

- (3) Manufacture or storage of explosives, fireworks or ammunition.

Division 26 – SPI Special Public Interest Districts
Subdivision C – State Road 7 SPI-2 District

Section 27-613.2. Master list of State Road 7 SPI-2 subdistrict uses.

Business Listings	Prohibited	AM: Auto Mall	HCS: Healthcare Services	Professional Office (PO)	HC: Hybrid Commercial	FCC: Four Corners Commercial	AC: Artisan Commerce
Manufacture of: Explosives, ammunition, insecticides, fertilizer, dangerous or obnoxious chemicals	x						

Article X – Master List of Business and Commercial Uses

Section 27-720. Master list of business uses.

Business Listings	Prohibited	OB- C	B- 1P	B- 2P	B- 3P	B- 4P	B- 5P	B- 7P	B- 2L	SPI- 3
Guns, Retail Conditional use*				x	x				x*	
Manufacture of: Explosives, ammunition, insecticides, fertilizer, dangerous or obnoxious chemicals	x									

Riviera Beach Code of Ordinances
Current through Ordinance 4162, adopted March 3, 2021. (Supplement 51)
Chapter 31 – Zoning
Article V – District Regulations

Division 13 – C General Commercial District

Section 31-322. Use regulations.

- (b) Special exception. The following uses may be permitted by special exception in the CG general commercial district:
- (9) Gun shop.

Sarasota County Code of Ordinances
Current through Ordinance 2021-036, enacted July 14, 2021. (Supplement 81)

Chapter 86 – Offenses and Miscellaneous Provisions
Article I – In General

Section 86-1. Firearms, sale of.

(a) Applicability. This section shall be of countywide force and effect.

(b) Definitions. All definitions contained in this section shall be consistent with definitions contained within the Florida Statutes, as amended from time to time. In case of any conflict with definitions contained in Florida Statutes, the statutory definition shall apply.

(1) **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.

(2) **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.

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

(4) **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, and the frame or receiver of any such weapon. The term "Firearm" does not include an Antique Firearm as defined in this section.

(5) **Sale** means the transfer of money or other valuable consideration for any Firearm when any part of the transaction is conducted on property in Sarasota County, Florida, to which the public has the right of access.

(6) **Seller** means the person or persons delivering a Firearm in any sale.

(c) **Waiting Period.** There shall be a mandatory three-day waiting period ("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 the Waiting Period has elapsed. The requirements and provisions of this section are not applicable when the Buyer of a Firearm is a holder of a license to carry concealed weapons or concealed Firearms issued by the Florida Department of State or is otherwise exempt from concealed weapon licensing requirements pursuant to F.S. 790.06(5)(b). However, if there is more than one Buyer of a Firearm, subsections (c) and (d) of this section are applicable unless each Buyer is a holder of a license to carry concealed weapons or concealed Firearms issued by the Florida Department of State.

(d) **Criminal History Records Check.**

(1) It is the intent of this section that a criminal history records check be conducted for every Buyer that is not exempt pursuant to subsection (d)(3) of this section 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. As of the effective date of this section, 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 shall 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 section for every Buyer that is not exempt from the criminal history records check pursuant to subsection (d)(3) herein. Sellers who conduct or cause to be conducted criminal history records checks shall maintain records pursuant to Florida Statutes.

(2) No Seller shall deliver any Firearm to a Buyer that is not exempt from the criminal history records check 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.

(3) No criminal history records check is required pursuant to this section for:

- a. A licensed Firearms dealer, importer or manufacturer; or
- b. Individuals licensed by the Florida Department of State to carry concealed weapons or concealed Firearms or otherwise exempt from concealed weapon licensing requirements pursuant to sections 790.051 and 790.052(1), Florida Statutes.
- c. A person who holds an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," a "correctional officer," or a "correctional probation officer," as defined in F.S. 943.10(1), (2), (3), (6), (7), (8), or (9).
- d. Employees of the Sheriff's office, municipal police departments, correctional facilities or agencies, or other criminal justice or governmental-agencies who have written authorization to purchase or transfer Firearms on behalf of an employing agency or for an official law enforcement purpose.

(4) The following individuals are considered to have sufficient authority to authorize employees referenced in subsection (d)(3)d. herein to purchase or transfer Firearms on behalf of the employing agency or for an official law enforcement purpose:

- a. In a city or county police department, the director of public safety or the chief or commissioner of police.
- b. In a sheriff's office, the sheriff or immediate rank below.
- c. In a state police or highway patrol department, the superintendent or the supervisor in charge of the office to which the state officer or employee is assigned.
- d. In federal law enforcement offices, the supervisor in charge of the office to which the federal officer or employee is assigned.

An individual signing on behalf of the person in authority is acceptable, provided there is proper delegation of authority.

(f) Conflict of Laws. In the event this section conflicts with any local, State or federal law, the more restrictive shall apply.

(g) If any subsection, sentence, clause, phrase, or portion of these sections is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of this section.

South Daytona Land Development Code

Current through Ordinance 2021-07, adopted June 8, 2021. (Supplement 30)

Supplement History Table

Article V – Zoning Regulations

Section 5.5. Schedule of zoning district regulations.

J. Business general commercial (BGC) district.

Permitted Uses	SDOL Code
Gun shops	0501

South Miami Code of Ordinances

Current through Ordinance 2364, enacted March 3, 2020. (Supplement 80)

Chapter 15 – Offenses and Miscellaneous Provisions

Article I – In General

Section 15-25. Same, Notice of intent to purchase.

It shall be unlawful for any person to purchase or receive delivery of a revolver, rifle, or firearm of any description in the city without first filing a notice of such intention with the desk officer at the police station, in the city, giving his name, information concerning his residence, a full description of said firearm, and the place where such weapon will be obtained. It shall be the duty of such desk officer to issue a certificate reading as follows:

Registration Certificate

Applicant:	Name and address
has filed notice of intention to obtain a firearm.	
	Desk Officer City of South Miami, Florida
Date:	

No certificate so issued shall be valid more than seven days from date of issuance.

Section 15-26. Same, Selling or receiving without certificate.

It shall be unlawful to sell, barter, exchange or deliver, or cause to be bought, sold, bartered or exchanged or delivered, any revolver, gun, rifle or other firearm to any person in the city without having previously obtained a registration certificate as herein described, from the person seeking actual delivery of such firearm, and upon receipt of such certificate the person so disposing shall report to the registration officer within twenty-four hours thereafter the serial number, make and general description of such firearm, and the name and address of person to whom it was delivered.

Section 15-27. Same, Blank cartridge and pistols; sale of guns, etc., to minors.

No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the city.

No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone in the city under the age of eighteen years.

Section 15-27.1. Unlawful to sell, purchase, possess, etc. KTW projectiles; exception.

(a) Anything in the Code of Ordinances of the City of South Miami to the contrary notwithstanding, it is unlawful for any person to sell, offer for sale, barter, lend, give, deliver, purchase or possess the projectile capable of being propelled by the action of an explosive from a handgun or pistol known as and currently being sold under the brand name "KTW" or any other projectile of the same nature and capabilities sold under any other brand name.

(b) The activity prohibited and declared unlawful in subsection (a) hereof shall not be applicable to law enforcement officers, as defined in Section 790.001(8), Florida Statutes, when said law enforcement officer is acting within the scope or course of his official duties or when acting at any time in the line of or performance of duty or persons providing or furnishing the projectile prohibited in subsection (a) of this section to a law enforcement officer.

St. Lucie County Land Development Code

Current through Ordinance 2020-29, adopted December 1, 2020. (Supplement 19)

Chapter III – Zoning Districts

3.01.00 – Zoning District Use Regulations

Section 3.01.03. Zoning Districts.

U. IH Industrial, Heavy.

1. Purpose. The purpose of this district is to provide an environment suitable for heavy manufacturing and other activities that may impose undesirable noise, vibration, odor, dust, or other offensive effects on the surrounding area together with such other non-residential uses as may be necessary to and compatible with heavy industrial surroundings. The number in "()" following each identified use corresponds to the SIC Code reference described in Section 3.01.02(B). The number 999 applies to a use not defined under the SIC Code but may be further defined in Section 2.00.00 of this Code.

7. Conditional Uses:

b. Manufacturing:

(6) Ammunition and ordinance. (348)

Sumter County Code of Ordinances

Current through Ordinance 2021-02, adopted March 23, 2021. (Supplement 98)

Chapter 13 – Land Development Code

Article IV – Zoning

Division 4 – Land Uses

Section 13-431. Principal uses.

(c) Table of principal uses.

(1) Table of uses.

a. Table 13-431A lists the various principal land uses and indicates in which zoning districts the uses are permissible as permitted, special or conditional uses. This table should be read in close conjunction with the definitions of terms set forth in section 13-41 and the other interpretative provisions set forth in this code.

b. Subject to other provisions of this chapter, the letter designations P, S, and C in Table 13-431A, when used in connection with a particular use, shall mean the following:

1. The letter "P" means that the use is a permitted use in the indicated zoning district.

Principal Uses	Zoning Districts																								
	A 1 0	A 1 0 C	A C	R 5	R 5 C	R 2 5	R 2 5 C	R 1	R 1 C	R 2 M	R 2 C	R 4 M	R 4 C	R 6 M	R 6 C	H D 1 2	H D 2 4	C N	C L	C H	C R	I D	R E C	P I E	
Retail, Service & Business Uses																									
Arts & crafts store, ..., gun shop, camping equipment, taxidermist																				P	P	P			

Sweetwater Land Development Code

Current through Ordinance 4657, enacted September 21, 2020. (Supplement 15)

Article II – Zoning

Section 2.04.00. Allowable uses within each zoning district.

2.04.07. (C-1) Limited commercial district.

B. Uses permitted. Those uses with the (cu) prefix shall be permitted only if conditional use is approved by the city commission after a public hearing. The city commission may impose conditions and/or restriction upon those uses.

(88) (cu) Gun shop.

2.04.09. (C-3) Liberal commercial district.

B. Uses permitted. No land, body of water and/or structure in the C-3 district shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, arranged or intended to be used, occupied or maintained for any purpose, unless otherwise provided for, excepting for one or more of the following uses:

(16) Gun shops.

Volusia County Code of Ordinances

Current through Ordinance 2021-16, enacted May 18, 2021. (Supplement 100)

Chapter 78 – Offenses and Miscellaneous Provisions

Section 78-1. Waiting period and records check for purchase of firearms.

(a) Purpose. In November, 1998 the voters in the State of Florida passed an amendment to Article VIII, Section 5 of the Florida Constitution. The amendment allows local governments to establish a three- to five-day waiting period for the sale of firearms at any place to which the public has access. This would include retail establishments as well as gun shows, gun exhibits and collector's shows. In addition, the amendment allows each county to require a criminal history records check in connection with the sale of any firearm occurring in the county. It is the purpose of the county council to exercise the local option as to handguns, provided by the constitution, so as to require a three-day waiting period for all locations within the scope of the constitutional authorization. It is the further intent of the county council to require a criminal history background check as to handgun sales.

(b) Applicability. This section shall be of county wide force and effect.

(c) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(1) "Antique firearm" means any firearm, as defined in F.S. ch. 790, (including any firearm with a match lock, flintlock, percussion cap, or similar type of ignition system) manufactured on or before 1918 and any replica of any firearm if such replica (i) is not designed or redesigned for using rimfire or conventional center fire fixed ammunition, or (ii) uses rimfire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(2) "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 or delivery of the handgun.

(3) "Buyer" means the person or persons taking delivery of or transferring money or other valuable consideration for a handgun in any sale.

(4) "Handgun" means a firearm capable of being carried and used by one hand such as a pistol or revolver excluding an antique firearm.

(5) "Property to which the public has the right of access" means any real or personal property to which the public has right of access, including property owned by either public or private individuals, firms and entities and expressly includes, but is not limited to, flea markets, gun shows and firearms exhibitions.

(6) "Sale" means the transfer of money or other valuable consideration.

(7) "Seller" means the person or persons delivering a handgun in any sale.

(d) Mandatory three-day waiting period. There shall be a mandatory three-day waiting period, excluding weekends and legal holidays, between the hour of the sale and the hour of the delivery of any handgun when any part of the transaction is conducted within Volusia County on property to which the public has the right of access. No seller shall deliver any handgun 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 handgun unless 72 hours have elapsed between the time of sale and the time of delivery of the handgun.

(e) Mandatory criminal records check.

(1) No seller, whether licensed or unlicensed shall sell, offer for sale, transfer or deliver any handgun to a buyer when any part of the transaction is conducted on property to which the public has the right of access within Volusia County until all procedures specified under F.S. 790.065, have been complied with by a person authorized by that section to conduct a criminal history check of background information as specified in that section, and the approval number set forth by that section has been obtained and documented. Seller for purposes of this subsection shall include any seller, including, but not limited to, a licensed importer, licensed manufacturer or licensed dealer and any unlicensed seller.

(2) In the case of a seller who is not a licensed importer, licensed manufacturer or licensed dealer, compliance with F.S. 790.065, or its state or federal successor shall be achieved by the seller requesting that a licensed importer, licensed manufacturer or licensed dealer complete all the requirements of F.S. 790.065, or its state or federal successor. Licensed importers, manufacturers and dealers may charge a reasonable fee of an unlicensed seller to cover costs associated with completing the requirements of F.S. 790.065. It is the intent of the Volusia County Council to require a criminal history background check. In case of repeal or amendment of F.S. 790.065, no person shall sell or buy a handgun when any part of the transaction is conducted on property to which the public has a right of access until all procedures, requirements and prohibition set forth in other federal or state laws relating to mandatory background checks have been complied with by persons selling or buying handguns.

(f) Exemptions: The following exemptions to the requirement of a three-day waiting period and criminal background check are as follows:

(1) Holders of a current concealed weapons permit issued by the State of Florida are not subject to the waiting period or criminal background check;

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

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

(g) Certification of law enforcement officers. The following individuals are considered to have sufficient authority to certify that law enforcement officers purchasing handguns will use the handguns in the performance of official duties:

(1) In a city or county police department, the director of public safety or the chief or commissioner of police.

(2) In a sheriff's office, the sheriff.

(3) In a state police or highway patrol department, the superintendent or the supervisor in charge of the office to which the state officer or employee is assigned.

(4) In federal law enforcement offices, the supervisor in charge of the office to which the federal officer or employee is assigned.

An individual signing on behalf of the person in authority is acceptable, provided there is a proper delegation of authority.

West Palm Beach Code of Ordinances
Current through Ordinance 4938-21, enacted March 22, 2021. (Supplement 62)

Chapter 94 – Zoning and Land Development Regulations
Article IV – Downtown Master Plan Urban Regulations

Section 94-106. General uses with special requirements.

(a) General uses with special requirements. The uses listed in this section are uses permitted within the districts indicated, subject to special requirements or special use permit approval.

(6) Firearms sales. Retail establishments dedicated to the sale of firearms shall be permitted in the urban core planning area, and the special district planning area.

West Park Code of Ordinances
Current through Ordinance 2020-05, adopted November 18, 2020. (Supplement 9)

Chapter 42 – Zoning
Article V – District Regulations
Division 3 – Commercial Districts

Section 42-231. Permitted uses.

Permitted principal uses in all business districts shall be limited to those uses specified in the master business list. Any use not specifically listed herein, but which is commercial in nature, shall be determined by the city administrator or designee to be permitted in the zoning district specifying the most similar use thereto. Refer to article II of this chapter, this division and division 2 of this article, for use restrictions.

Master Business List											
P = Permitted C = Conditional A = Accessory use only SE = Special Exception											
Use	B-1	B-2	B-3	C-1	OP	TOC	M-1	M-2	I-1	C-F	S-2
Ammunition reloading (handguns)							P	P			

Weston Code of Ordinances
Current through June 30, 2021. (Supplement 40)

Title XII – Land Use
Chapter 124 – Zoning
Industrial, Office, Commercial (IOC)

Section 124.16. IOC Districts.

124.16(A) Industrial district (I-1).

124.16(B) Office district (O-1).

124.16(C) Commercial district (C-1).

124.16(D) Permitted Uses.

Uses	I-1	O-1	C-1
(P indicates that the Use is permitted in the zoning category, SE indicates that the Use requires special exception approval in the zoning category, NP indicates that the use is prohibited in the zoning category.)			
Gun/knife store	NP	NP	NP

Winter Springs Code of Ordinances
Current through Ordinance 2020-08, enacted September 28, 2020. (Supplement 28)

Chapter 20 – Zoning
Article III – Establishment of Districts
Division 7 – C-1 Neighborhood Commercial Districts

Section 20-232. Uses permitted.

(a) Within any C-1 Neighborhood Commercial District, no building, structure, land or water shall be used except for one (1) or more of the following uses:

(34) Gun shop;

Division 12 – Town Center District Code

Section 20-323. Permitted uses.

	T1	T2	T3	T4	T5	C/P
Gun shop (retail, no gun range)			CU	P	P	

P = Permitted by right.

CU = Conditional use.