

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

MITCHELL JAMES DUNN, *et al.*,

Plaintiffs,

v.

Case No. 8:25-cv-02264-SDM-AEP

MARK GLASS, *et al.*,

Defendants.

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OFFER OF JUDGMENT

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendants JAMES UTHMEIER, in his official capacity as Attorney General of the State of Florida; MARK GLASS, in his official capacity as Commissioner of the Florida Department of Law Enforcement; GINGER BOWDEN MADDEN, in her official capacity as State Attorney for the 1st Judicial Circuit; JACK CAMPBELL, in his official capacity as State Attorney for the 2nd Judicial Circuit; JOHN DURRETT, in his official capacity as State Attorney for the 3rd Judicial Circuit; MELISSA WILLIAMSON NELSON, in her official capacity as State Attorney for the 4th Judicial Circuit; WILLIAM GLADSON, in his official capacity as State Attorney for the 5th Judicial Circuit; BRUCE BARTLETT, in his official capacity as State Attorney for the 6th Judicial Circuit; R.J. LARIZZA, in his official capacity as State Attorney for the 7th

Judicial Circuit; BRIAN STUART KRAMER, in his official capacity State Attorney for the 8th Judicial Circuit; MONIQUE H. WORRELL, in her official capacity as State Attorney for the 9th Judicial Circuit; BRIAN HAAS, in his official capacity as State Attorney for the 10th Judicial Circuit; KATHERINE FERNANDEZ-RUNDLE, in her official capacity as State Attorney for the 11th Judicial Circuit; ED BRODSKY, in his official capacity as State Attorney for the 12th Judicial Circuit; SUSAN SHORTER LOPEZ, in her official capacity as State Attorney for the 13th Judicial Circuit; LARRY BASFORD, in his official capacity as State Attorney for the 14th Judicial Circuit; ALEXCIA COX, in her official capacity as State Attorney for the 15th Judicial Circuit; DENNIS W. WARD, in his official capacity as State Attorney for the 16th Judicial Circuit; HAROLD F. PRYOR, in his official capacity as State Attorney for the 17th Judicial Circuit; WILLIAM SCHEINER, in his official capacity as State Attorney for the 18th Judicial Circuit; THOMAS BAKKEDAHL, in his official capacity as State Attorney for the 19th Judicial Circuit; and AMIRA FOX, in her official capacity as State Attorney for the 20th Judicial Circuit, by and through their attorney, the Florida Solicitor General, offers as follows:

1. Entry of Judgment

Judgment shall be entered in favor of Plaintiffs and against Defendants in this action on all claims asserted in the Complaint, on the terms set forth below.

2. Declaratory Relief

The judgment shall declare as follows: “Florida Statutes § 790.0655(1)(a), (2)(a)–(c), and (3)(a), and Article I, section 8(b) of the Florida Constitution impose a three-day waiting period between the purchase and delivery at retail of any firearm, subject to certain exceptions. Article VIII, section 5(b) permits any Florida county to impose a three-to-five-day waiting period between the purchase and delivery of any firearm occurring within that county. Those waiting period restrictions burden the right to keep and bear arms. As the government cannot meet its burden to establish a historical tradition of regulation that justifies an arbitrary waiting period unconnected to the time required to complete a background check, they are unconstitutional under the Second Amendment to the United States Constitution, as made applicable to the states by the Fourteenth Amendment. The Attorney General, as the chief state legal officer under the Florida Constitution, has concluded that the Waiting Period Provisions violate the Second Amendment to the United States Constitution, as made applicable to the State of Florida by the Fourteenth Amendment. The other Defendants in this case, being represented by the Attorney General, agree to be bound by the Attorney General’s conclusion that the Waiting Period Provisions are unconstitutional.

3. Injunctive Relief

The judgment shall further provide that Defendants are enjoined and ordered as follows: “Defendants, along with their officers, agents, employees, successors, and all persons acting in concert with them, are hereby permanently enjoined from enforcing Florida Statutes § 790.0655(1)(a), (2)(a)–(c), and (3)(a), Article I, section 8(b), and Article VIII, section 5(b) of the Florida Constitution to the extent they require retailers to hold a firearm beyond the time required to perform a background check. Within seven days of the entry of the Court’s Final Judgement, Defendants shall promptly notify all relevant state agencies, law-enforcement personnel, and regulatory bodies of the cessation of the enforcement of the challenged law.”

4. Attorney’s Fees and Costs

Defendants shall allow judgment to be entered in favor of Plaintiffs in the amount of ten thousand dollars (\$10,000) in reasonable attorney’s fees and costs. Plaintiffs will not receive damages. The foregoing terms and amount include all costs accrued and all attorney’s fees accrued through the date of this Offer.

5. Purpose

This Offer of Judgment is made for the purposes specified in Rule 68 and is not to be construed as an admission that Defendants are liable in this action or that Plaintiffs suffered any damage. Acceptance of this offer will act to

dismiss with prejudice all claims raised by Plaintiffs in this action.

6. Acceptance

Defendant's offer, if not accepted in writing within fourteen (14) days of service, shall be deemed withdrawn, and evidence of it shall not be admissible, except in a proceeding to determine costs incurred by Defendants after the making of the offer.

Date: June 5, 2026.

Respectfully submitted,

James Uthmeier
ATTORNEY GENERAL

David M.S. Dewhirst
SOLICITOR GENERAL

/s Christine Pratt
Jeffrey P. DeSousa (FBN 110951)
Jason J. Muehlhoff
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