

By Senator Hays

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1 A bill to be entitled

2 An act relating to firearms transactions; amending s.
3 790.065, F.S.; providing that certain laws of this
4 state regulating firearms transactions do not apply to
5 transactions by a resident of this state which take
6 place in another state; providing for the applicable
7 law; requiring a specified background check for such
8 transactions; repealing s. 790.28, F.S., relating to
9 the purchase of rifles and shotguns in contiguous
10 states by a Florida resident; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsection (1) of section 790.065, Florida
16 Statutes, is amended to read:

17 790.065 Sale and delivery of firearms.—

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

23 1. (a) Obtained a completed form from the potential buyer or
24 transferee, which form shall have been promulgated by the
25 Department of Law Enforcement and provided by the licensed
26 importer, licensed manufacturer, or licensed dealer, which shall
27 include the name, date of birth, gender, race, and social
28 security number or other identification number of such potential
29 buyer or transferee and has inspected proper identification

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30 including an identification containing a photograph of the
31 potential buyer or transferee.

32 2.~~(b)~~ Collected a fee from the potential buyer for
33 processing the criminal history check of the potential buyer.
34 The fee shall be established by the Department of Law
35 Enforcement and may not exceed \$8 per transaction. The
36 Department of Law Enforcement may reduce, or suspend collection
37 of, the fee to reflect payment received from the Federal
38 Government applied to the cost of maintaining the criminal
39 history check system established by this section as a means of
40 facilitating or supplementing the National Instant Criminal
41 Background Check System. The Department of Law Enforcement
42 shall, by rule, establish procedures for the fees to be
43 transmitted by the licensee to the Department of Law
44 Enforcement. All such fees shall be deposited into the
45 Department of Law Enforcement Operating Trust Fund, but shall be
46 segregated from all other funds deposited into such trust fund
47 and must be accounted for separately. Such segregated funds must
48 not be used for any purpose other than the operation of the
49 criminal history checks required by this section. The Department
50 of Law Enforcement, each year prior to February 1, shall make a
51 full accounting of all receipts and expenditures of such funds
52 to the President of the Senate, the Speaker of the House of
53 Representatives, the majority and minority leaders of each house
54 of the Legislature, and the chairs of the appropriations
55 committees of each house of the Legislature. In the event that
56 the cumulative amount of funds collected exceeds the cumulative
57 amount of expenditures by more than \$2.5 million, excess funds
58 may be used for the purpose of purchasing soft body armor for

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59 law enforcement officers.

60 3.~~(e)~~ Requested, by means of a toll-free telephone call,
61 the Department of Law Enforcement to conduct a check of the
62 information as reported and reflected in the Florida Crime
63 Information Center and National Crime Information Center systems
64 as of the date of the request.

65 4.~~(d)~~ Received a unique approval number for that inquiry
66 from the Department of Law Enforcement, and recorded the date
67 and such number on the consent form.

68 (b) ~~However,~~ If the person purchasing, or receiving
69 delivery of, the firearm is a holder of a valid concealed
70 weapons or firearms license pursuant to the provisions of s.
71 790.06 or holds an active certification from the Criminal
72 Justice Standards and Training Commission as a "law enforcement
73 officer," a "correctional officer," or a "correctional probation
74 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or
75 (9), ~~the provisions of this subsection~~ does ~~de~~ not apply.

76 (c) This section does not apply to the purchase, trade, or
77 transfer of firearms by a resident of this state if the resident
78 makes the purchase, trade, or transfer in another state, in
79 which case the laws and regulations of that state and the United
80 States governing the purchase, trade, or transfer of firearms
81 apply. A National Instant Criminal Background Check System check
82 shall be performed prior to the purchase, trade, or transfer of
83 firearms by a resident of this state.

84 Section 2. Section 790.28, Florida Statutes, is repealed.

85 Section 3. This act shall take effect upon becoming a law.