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CS/HB 55

2018 Legislature

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2 An act relating to the sale of firearms; amending s.
3 790.065, F.S.; requiring Department of Law Enforcement
4 procedures to allow the payment or transmittal of
5 processing fees for criminal history checks of
6 potential firearms buyers by electronic means;
7 providing that criminal history check requests by
8 licensed importers, manufacturers, and dealers to the
9 department may be made by electronic means; providing
10 an effective date.

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

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14 Section 1. Paragraph (a) of subsection (1) of section
15 790.065, Florida Statutes, is amended to read:

16 790.065 Sale and delivery of firearms.—

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

22 1. Obtained a completed form from the potential buyer or
23 transferee, which form shall have been promulgated by the
24 Department of Law Enforcement and provided by the licensed
25 importer, licensed manufacturer, or licensed dealer, which shall

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26 | include the name, date of birth, gender, race, and social
27 | security number or other identification number of such potential
28 | buyer or transferee and has inspected proper identification
29 | including an identification containing a photograph of the
30 | potential buyer or transferee.

31 | 2. Collected a fee from the potential buyer for processing
32 | the criminal history check of the potential buyer. The fee shall
33 | be established by the Department of Law Enforcement and may not
34 | exceed \$8 per transaction. The Department of Law Enforcement may
35 | reduce, or suspend collection of, the fee to reflect payment
36 | received from the Federal Government applied to the cost of
37 | maintaining the criminal history check system established by
38 | this section as a means of facilitating or supplementing the
39 | National Instant Criminal Background Check System. The
40 | Department of Law Enforcement shall, by rule, establish
41 | procedures for the fees to be transmitted by the licensee to the
42 | Department of Law Enforcement. Such procedures must provide that
43 | fees may be paid or transmitted by electronic means, including,
44 | but not limited to, debit cards, credit cards, or electronic
45 | funds transfers. All such fees shall be deposited into the
46 | Department of Law Enforcement Operating Trust Fund, but shall be
47 | segregated from all other funds deposited into such trust fund
48 | and must be accounted for separately. Such segregated funds must
49 | not be used for any purpose other than the operation of the
50 | criminal history checks required by this section. The Department

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51 of Law Enforcement, each year before ~~prior to~~ February 1, shall
52 make a full accounting of all receipts and expenditures of such
53 funds to the President of the Senate, the Speaker of the House
54 of Representatives, the majority and minority leaders of each
55 house of the Legislature, and the chairs of the appropriations
56 committees of each house of the Legislature. In the event that
57 the cumulative amount of funds collected exceeds the cumulative
58 amount of expenditures by more than \$2.5 million, excess funds
59 may be used for the purpose of purchasing soft body armor for
60 law enforcement officers.

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

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

69 Section 2. This act shall take effect October 1, 2018.