Senator Farmer moved the following:

**Senate Amendment to Substitute Amendment (726990) (with title amendment)**

Between lines 327 and 328 insert:

Section 10. Present subsection (13) of section 790.065, Florida Statutes, is redesignated as subsection (12), subsections (1), (3), and (10) of that section are amended, and a new subsection (11) is added to that section, to read:

790.065 Sale and delivery of firearms.—

(1)(a) A licensed importer, licensed manufacturer, and
12 licensed dealer may not sell or deliver from her or his
13 inventory at her or his licensed premises any firearm to another
14 person, other than a licensed importer, licensed manufacturer,
15 licensed dealer, or licensed collector, until she or he has:
16 1. Obtained a completed form from the potential buyer or
17 transfee, which form shall have been adopted by
18 the Department of Law Enforcement and provided by the licensed
19 importer, licensed manufacturer, or licensed dealer, which shall
20 include the name, date of birth, gender, race, and social
21 security number or other identification number of such potential
22 buyer or transferee and has inspected proper identification
23 including an identification containing a photograph of the
24 potential buyer or transferee.
25 2. Collected a fee from the potential buyer for processing
26 the criminal history check of the potential buyer. The fee shall
27 be established by the Department of Law Enforcement and may not
28 exceed $8 per transaction. The Department of Law Enforcement may
29 reduce, or suspend collection of, the fee to reflect payment
30 received from the Federal Government applied to the cost of
31 maintaining the criminal history check system established by
32 this section as a means of facilitating or supplementing the
33 National Instant Criminal Background Check System. The
34 Department of Law Enforcement shall, by rule, establish
35 procedures for the fees to be transmitted by the licensee to the
36 Department of Law Enforcement. All such fees shall be deposited
37 into the Department of Law Enforcement Operating Trust Fund, but
38 shall be segregated from all other funds deposited into such
39 trust fund and must be accounted for separately. Such segregated
40 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 prior to
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, 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 s.
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 s. 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.

(d)1. If neither party to a prospective firearms sale, lease, or transfer is a licensed dealer, the parties to the transaction must complete the sale, lease, or transfer through a licensed dealer as follows:

   a. The seller, lessor, or transferor must deliver the firearm to a licensed dealer, who shall process the sale, lease, or transfer as if she or he were the seller, lessor, or transferor, except that the seller, lessor, or transferor who is not a licensed dealer may remove the firearm from the business premises of the licensed dealer while the background check is being conducted and while the waiting period requirement set forth in s. 790.0655 is being met. Other than allowing the unlicensed seller or transferor to remove the firearm from the licensed dealer’s business premises, the licensed dealer shall comply with all requirements of federal and state law which would apply if she or he were the seller, lessor, or transferor of the firearm;

   b. The licensed dealer shall conduct a background check on the buyer or other transferee as provided in this section and, unless the transaction is prohibited, and after all other legal requirements are met, including those set forth in s. 790.0655, the licensed dealer shall either:

      (I) Deliver the firearm to the seller, lessor, or transferor, who shall complete the transaction and deliver the firearm to the buyer; or

      (II) If the seller, lessor, or transferor has removed the
firearm from the licensed dealer’s business premises, contact
the seller, lessor, or transferor to let her or him know that he
or she may complete the transaction and deliver the firearm to
the buyer.

c. If the licensed dealer cannot legally complete the
transaction, the dealer must:
   (I) Return the firearm to the seller, lessor, or
   transferor; or
   (II) If the seller, lessor, or transferor has removed the
   firearm from the licensed dealer’s business premises, contact
   the seller, lessor, or transferor to let her or him know that
   the transaction is prohibited, and that the seller, lessor, or
   transferor may not deliver the firearm to the buyer; and

d. The licensed dealer may require the buyer or other
   transferee to pay a fee covering the administrative costs
   incurred by the licensed dealer for facilitating the transfer of
   the firearm, plus applicable fees pursuant to federal and state
   law.

2. This paragraph does not apply to:
   a. The activities of the United States Marshals Service,
      members of the United States Armed Forces or the National Guard,
      or federal officials required to carry firearms while engaged in
      performing their official duties; or
   b. The following activities, unless the lawful owner knows
      or has reasonable cause to believe that federal, state, or local
      law prohibits the transferee from purchasing or possessing
      firearms, or that the transferee is likely to use the firearm
      for unlawful purposes:
      (I) The delivery of a firearm to a gunsmith for service or
repair, or the return of the firearm to its owner by the
gunsmith;

(II) The transfer of a firearm to a carrier, warehouseman,
or other person engaged in the business of transportation or
storage, to the extent that the receipt, possession, or having
on or about the person any firearm is in the ordinary course of
business and in conformity with federal, state, and local laws,
and not for the personal use of any such person;

(III) The loan of a firearm solely for the purpose of
shooting at targets, if the loan occurs on the premises of a
properly licensed target facility and if the firearm is at all
times kept within the premises of the target facility;

(IV) The loan of a firearm to a person who is under 18
years of age for lawful hunting, sporting, or educational
purposes while under the direct supervision and control of a
responsible adult;

(V) The loan of a firearm to a person who is 18 years of
age or older if the firearm remains in the person’s possession
only while the person is accompanying the lawful owner and using
the firearm for lawful hunting, sporting, or recreational
purposes; or

(VI) The loan of a firearm to an adult family member of the
lawful owner of the firearm if the lawful owner resides with the
family member but is not present in the residence, provided that
the family member does not maintain control over the firearm for
more than 10 consecutive days.

(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.

(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) A person younger than 21 years of age may not purchase
a firearm and a person may not transfer a firearm to another person younger than 21 years of age. The sale or transfer of a firearm to a person younger than 21 years of age may not be made or facilitated by any individual or entity. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

The prohibitions of this subsection do not apply to the purchase of a rifle or shotgun by a law enforcement officer or a correctional officer, as those terms are defined in s. 943.10, or to a person on active duty in the Armed Forces of the United States or full-time duty in the National Guard.

Section 11. Section 790.0655, Florida Statutes, is amended to read:

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

(1) (a) There shall be a mandatory 3-day waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is, which shall be 3 days, excluding weekends and legal holidays, or expires upon the completion of the records checks required under s. 790.065, whichever occurs later. The mandatory waiting period applies to the delivery of a firearm through a private sale facilitated through a licensed dealer under s. 790.065(1)(d) between the purchase and the delivery at retail of any handgun. “Purchase” means the transfer of money or other valuable consideration to the retailer. “Handgun” means a firearm capable of being carried and used by one hand, such as a pistol or revolver. “Retailer” means and includes a licensed importer, licensed manufacturer, or licensed dealer every person 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 handgun sales must be available for inspection by any law enforcement agency, as defined in s. 934.02, during normal business hours.

(2) The 3-day waiting period does not apply in the following circumstances:

(a) When a firearm handgun 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 handgun.

(c) To a person who completes a 16-hour hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or similar agency of another state, unless that person is purchasing a handgun.

(3) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) For any retailer, or any employee or agent of a retailer, to deliver a firearm handgun before the expiration of the 3-day waiting period, subject to the exceptions provided in subsection (2).

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

Section 12. Paragraph (e) of subsection (3) of section 790.335, Florida Statutes, is amended to read:

790.335 Prohibition of registration of firearms; electronic records.—

(3) EXCEPTIONS.—The provisions of this section shall not apply to:

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(e)1. Records kept pursuant to the recordkeeping provisions of s. 790.065; however, nothing in this section shall be construed to authorize the public release or inspection of records that are made confidential and exempt from the provisions of s. 119.07(1) by s. 790.065(3)(a) s. 790.065(4)(a).

2. Nothing in this paragraph shall be construed to allow the maintaining of records containing the names of purchasers or transferees who receive unique approval numbers or the maintaining of records of firearm transactions.

Section 13. For the purpose of incorporating the amendment made by this act to section 790.065, Florida Statutes, in a reference thereto, subsection (2) of section 397.6760, Florida Statutes, is reenacted to read:

397.6760 Court records; confidentiality.—
(2) This section does not preclude the clerk of the court from submitting the information required by s. 790.065 to the Department of Law Enforcement.

Section 14. For the purpose of incorporating the amendment made by this act to section 790.065, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 790.335, Florida Statutes, is reenacted to read:

790.335 Prohibition of registration of firearms; electronic records.—
(3) EXCEPTIONS.—The provisions of this section shall not apply to:
(e)1. Records kept pursuant to the recordkeeping provisions of s. 790.065; however, nothing in this section shall be construed to authorize the public release or inspection of records that are made confidential and exempt from the
provisions of s. 119.07(1) by s. 790.065(4)(a).

2. Nothing in this paragraph shall be construed to allow the maintaining of records containing the names of purchasers or transferees who receive unique approval numbers or the maintaining of records of firearm transactions.

And the title is amended as follows:
Delete line 2285
and insert:
relief; amending s. 790.065, F.S.; requiring that, if neither party to a prospective firearms sale, lease, or transfer is a licensed dealer, the parties complete the sale, lease, or transfer through a licensed dealer; specifying procedures and requirements for a licensed dealer, a seller, lessor, or transferor, and a buyer, lessee, or transferee, including a required background check; authorizing a licensed dealer to charge a buyer or transferee specified fees; providing applicability; deleting provisions authorizing a licensee to complete the sale or transfer of a firearm to a person without receiving notification from the Department of Law Enforcement informing the licensee as to whether such person is prohibited from receipt or possession of a firearm or providing a unique approval number under certain circumstances; deleting provisions exempting a licensed importer, licensed manufacturer, or licensed dealer from the sale and delivery requirements, under certain circumstances;
prohibiting a person younger than a certain age from
purchasing a firearm; prohibiting a person from
transferring a firearm to another person younger than
a certain age; prohibiting the sale or transfer, or
facilitation of a sale or transfer, of a firearm to a
person younger than a certain age by any individual or
entity; providing criminal penalties; providing an
exception; amending s. 790.0655, F.S.; revising the
mandatory waiting period to the later of either 3
days, excluding weekends and legal holidays, or upon
the completion of certain records checks; applying the
mandatory waiting period to private sales of firearms
facilitated through a licensed dealer; revising and
redefining terms; requiring that records of firearm
sales be available for inspection by any law
enforcement agency during normal business hours;
revising applicability of the waiting period;
conforming provisions to changes made by the act;
amending s. 790.335, F.S.; conforming provisions to
changes made by the act; reenacting ss. 397.6760(2)
and 790.335(3)(e), F.S., relating to the
confidentiality of court records and exceptions to the
prohibition of registration of firearms, respectively,
to incorporate the amendment made to s. 790.065, F.S.,
in references thereto; creating s. 790.401, F.S.;
defining terms;