Amendment No.

Representative Watson, B. offered the following:

**Amendment (with directory and title amendments)**

Remove line 677 and insert:

790.065 Sale, and delivery, and possession of firearms.—

(1)(a)1. 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, who is less than 21 years of age, except that a licensed importer, licensed manufacturer, or licensed dealer may sell or deliver a rifle or shotgun to a person who is 18 years of age or older and is a law
enforcement officer or correctional officer as defined in s. 943.10 or on active duty in the Armed Forces of the United States or full-time duty in the National Guard.

2. For a person 21 years of age or older, or 18 years of age or older and meeting an exception under this paragraph, 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:

a. 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.

b. 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. 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 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.

c.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

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Information Center and National Crime Information Center systems as of the date of the request.

- 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.

(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:

- 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 s. 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 or possessing a firearm.

- 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 s. 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 s. 394.467, involuntary outpatient placement as
defined in s. 394.4655, involuntary assessment and stabilization
under s. 397.6818, and involuntary substance abuse treatment
under s. 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
s. 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 s. 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 or possessing a firearm, and may not be eligible to apply for or retain a concealed weapon or firearms license under s. 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 or possessing 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. At the hearing, or no more than 20 days thereafter, the judge or magistrate may also inquire into whether the person possesses any weapons or firearms. If so, the court shall order an inventory of said weapons to be entered into the record and should a friend or relative be unable or unwilling to keep the weapons outside of the person's control, the court may either order these items be placed with or seized by the sheriff for the county in which the respondent resides.

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. All Baker Act service providers shall fully comply with the reporting provisions of this chapter by January 1, 2019. The Department of Children and Families and the Department of Law Enforcement shall enforce the provisions of this chapter relating to purchase and possession of firearms by persons prohibited from doing so due to mental health issues.
Failure by such a service provider to comply after a finding by the Department of Children and Families and the Department of Law Enforcement shall result in a fine of $100,000, a subsequent finding shall result in a $250,000 fine, and a third finding may result in the suspension of the provider's license by the Department of Children and Families.

(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 s. 394.455, with the clerk of the court for the county in which the involuntary examination under s. 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 s. 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.

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DIRECTORY AMENDMENT

Remove lines 674-676 and insert:
Section 11. Subsection (13) of section 790.65, Florida Statutes, is renumbered as subsection (14), paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of that section, are amended, and a new subsection (13) is added to that section, to read:

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Title Amendment

Remove line 65 and insert:
F.S.; providing exceptions; providing for the seizure of weapons from persons voluntarily committed in certain circumstances; providing penalties for certain service providers that fail to comply with reporting requirements; prohibiting a person younger than a certain age