Senator Farmer moved the following:

Senate Amendment to Amendment (234288) (with title amendment)

Delete lines 364 - 423
and 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, 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:

1. Obtained a completed form from the potential buyer or 
transferee, which form shall have been adopted 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.

2. 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 before 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 to another state.
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

(I) 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;

(II) 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;

(III) 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;

(IV) 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

(V) 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 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:
(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) or 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.

------------------ T I T L E  A M E N D M E N T ------------------

And the title is amended as follows:

Delete lines 2434 – 2448

and insert:

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 a cross-reference;