Representative Shaw offered the following:

Substitute Amendment for Amendment (165285) (with title amendment)

   Between lines 647 and 648, insert:

   Section 10. Subsections (1), (3), and (10) of section 790.065, Florida Statutes, are amended to read:

   790.065 Sale and delivery of firearms.—

   (1)(a) Any 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 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 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).

Section 11. Paragraph (a) of subsection (1) of section
790.0655, Florida Statutes, is amended to read:

790.0655 Purchase and delivery of handguns; mandatory
waiting period; exceptions; penalties.—
There shall be a mandatory 3-day waiting period, which shall be 3 days, excluding weekends and legal holidays, between the purchase and the delivery at retail, or the delivery through a private sale facilitated through a licensed dealer under s. 790.065(1)(d), 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 every person engaged in the business of making 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).

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) 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

Remove line 53 and insert:
availability of services; amending s. 790.065, F.S.; requiring that the parties, if neither party to a sale, lease, or transfer of a firearm is a licensed dealer, 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; 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; amending s. 790.0655, F.S.;
applying the mandatory 3-day waiting period to private sales of handguns facilitated through a licensed dealer; amending s. 790.335, F.S.; conforming a cross-reference; creating s. 790.064, F.S.;