Representative Smith offered the following:

Amendment (with title amendment)

Remove lines 674-733 and insert:

Section 11. Subsections (1), (3), and (10) of section 790.065, Florida Statutes, are amended 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 or 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."
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. As used in this paragraph, the term:
   a. "Detachable magazine" means an ammunition feeding device that can be removed from a firearm without disassembly of the firearm action.
   b. "Fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.
   c. "Large-capacity magazine" means any ammunition feeding device with the capacity to accept more than 10 rounds, or any conversion kit, part, or combination of parts from which such a device can be assembled if those parts are in the possession or under the control of the same person, but does not include any of the following:
      (I) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds;
      (II) A .22 caliber tube ammunition feeding device; or
(III) A tubular magazine that is contained in a lever-action firearm.

d. "Licensed gun dealer" means a person who has a federal firearms license.

2. If neither party to a prospective sale, lease, or transfer of a large-capacity magazine 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 large-capacity magazine 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 large-capacity magazine 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 large-capacity magazine 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 large-capacity magazine to the seller, lessor, or transferor, who shall complete the transaction and deliver the large-capacity magazine to the buyer; or

   (II) If the seller, lessor, or transferor has removed the large-capacity magazine 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 large-capacity magazine to the buyer;

c. If the licensed dealer cannot legally complete the transaction, the dealer must:

   (I) Return the large-capacity magazine to the seller, lessor, or transferor; or

   (II) If the seller, lessor, or transferor has removed the large-capacity magazine 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 large-capacity magazine 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 large-capacity magazine, plus applicable fees pursuant to federal and state law.
3. 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 large-capacity magazine for unlawful purposes:
      (I) The delivery of a large-capacity magazine to a gunsmith for service or repair;
      (II) The transfer of a large-capacity magazine 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 a large-capacity magazine 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 large-capacity magazine solely for the purpose of shooting at targets, if the loan occurs on the premises of a properly licensed target facility and if the large-capacity magazine is at all times kept within the premises of the target facility;
(IV) The loan of a large-capacity magazine 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 large-capacity magazine to a person who is 18 years of age or older if the large-capacity magazine remains in the person's possession only while the person is accompanying the lawful owner and using the large-capacity magazine for lawful hunting, sporting, or recreational purposes;

or

(VI) The loan of a large-capacity magazine to an adult family member of the lawful owner of the large-capacity magazine 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 large-capacity magazine 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 12. Paragraph (a) of subsection (1) of section 790.0655, Florida Statutes, is amended to read:
790.0655 Purchase and delivery of large-capacity magazines and handguns; mandatory waiting period; exceptions; penalties.—

(1)(a) 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 or large-capacity magazine. "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). As used in this section, the term "large-capacity magazine" has the same meanings as provided in s. 790.065.

(b) Records of large-capacity magazine and 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 shall not apply in the following circumstances:

(a) When a large-capacity magazine and 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 large-capacity magazine or handgun.

(c) Upon successfully completing a hunter safety course and possessing a hunter safety certification card issued under s. 379.3581. A person who is exempt from the hunter safety course requirement under s. 379.3581 and holds a valid Florida hunting license as of March 1, 2018, is exempt from the 3-day waiting period under this section.

(d) When a rifle or shotgun is being purchased by a law enforcement officer or correctional officer, as defined in s. 943.10, or a person on active duty in the Armed Forces of the United States or full-time duty in the National Guard.

(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 large-capacity magazine or 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 large-capacity magazine or handgun by fraud, false pretense, or false representation.

Section 13. Section 790.223, Florida Statutes, is created to read:

790.223 Online sales of assault weapons and large-capacity magazines.—A person may not buy, sell, trade or otherwise
transfer ownership or possession of an assault weapon or large-capacity magazine, as those terms are defined in s. 790.065, via the Internet or other online means. A person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. 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.

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TITLE AMENDMENT

Remove lines 64-79 and insert:
petition for simultaneous relief; amending 790.065, F.S.; providing definitions; requiring that the parties, if neither party to a sale, lease, or transfer of a large-capacity magazine 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 large-capacity magazine 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.; requiring a specified waiting period between the purchase and delivery at retail of a large-capacity magazine; providing exceptions; revising terminology; creating s. 790.223, F.S.; prohibiting online sales of assault weapons or
large-capacity magazines; providing penalties;
amending s. 790.335, F.S.; conforming a cross-
reference;