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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Stewart) recommended the following:

1 **Senate Amendment to Amendment (313546) (with title**
2 **amendment)**

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4 Between lines 84 and 85
5 insert:

6 Section 2. Paragraph (a) of subsection (1) of section
7 790.065, Florida Statutes, is amended to read:

8 790.065 Sale and delivery of firearms.—

9 (1)(a) A licensed importer, licensed manufacturer, or
10 licensed dealer may not sell or deliver from her or his



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11 inventory at her or his licensed premises any firearm to another
12 person, other than a licensed importer, licensed manufacturer,
13 licensed dealer, or licensed collector, until she or he has:

14 1. Obtained a completed form from the potential buyer or
15 transferee, which form shall have been promulgated by the
16 Department of Law Enforcement and provided by the licensed
17 importer, licensed manufacturer, or licensed dealer, which shall
18 include the name, date of birth, gender, race, questions about
19 the buyer's criminal history and other information relating to
20 the potential buyer's or transferee's eligibility to purchase a
21 firearm, and social security number or other identification
22 number of the ~~such~~ potential buyer or transferee and has
23 inspected proper identification including an identification
24 containing a photograph of the potential buyer or transferee.

25 a. In any case in which records reviewed pursuant to
26 subsection (2) indicate that the potential buyer or transferee
27 is prohibited from having in her or his care, custody,
28 possession, or control any firearm under state or federal law
29 and the potential transfer, sale, or purchase has received a
30 nonapproval number, the Department of Law Enforcement shall send
31 notification of such nonapproval to the federal or state
32 correctional, law enforcement, prosecutorial, and other criminal
33 justice agencies that have jurisdiction in the county where the
34 attempted transfer or purchase was made.

35 b. The Department of Law Enforcement shall, for each
36 county, identify appropriate federal or state correctional, law
37 enforcement, prosecutorial, and other criminal justice agencies
38 to receive the notification described in sub-subparagraph a.

39 c. The notification described in sub-subparagraph a. must



40 include the identity of the potential buyer or transferee, the
41 identity of the licensee who made the inquiry, the date and time
42 when a nonapproval number was issued, the prohibiting criteria
43 for the nonapproval, and the location where the attempted
44 purchase or transfer occurred.

45 d. The Department of Law Enforcement shall make the
46 notification described in sub-subparagraph a. within 1 week
47 after receipt of the notice of the nonapproval, and may
48 aggregate any notifications required pursuant to sub-
49 paragraph a. and issue them together within the required
50 timeframe, except that a notification may be delayed for as long
51 as necessary to avoid compromising an ongoing investigation.

52 e. The Department of Law Enforcement may make the
53 notification required pursuant to sub-subparagraph a. in any
54 form, including, but not limited to, by oral or written
55 communication or by electronic means.

56 2. Collected a fee from the potential buyer for processing
57 the criminal history check of the potential buyer. The fee shall
58 be established by the Department of Law Enforcement and may not
59 exceed \$8 per transaction. The Department of Law Enforcement may
60 reduce, or suspend collection of, the fee to reflect payment
61 received from the Federal Government applied to the cost of
62 maintaining the criminal history check system established by
63 this section as a means of facilitating or supplementing the
64 National Instant Criminal Background Check System. The
65 Department of Law Enforcement shall, by rule, establish
66 procedures for the fees to be transmitted by the licensee to the
67 Department of Law Enforcement. Such procedures must provide that
68 fees may be paid or transmitted by electronic means, including,



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69 but not limited to, debit cards, credit cards, or electronic
70 funds transfers. All such fees shall be deposited into the
71 Department of Law Enforcement Operating Trust Fund, but shall be
72 segregated from all other funds deposited into such trust fund
73 and must be accounted for separately. Such segregated funds must
74 not be used for any purpose other than the operation of the
75 criminal history checks required by this section. The Department
76 of Law Enforcement, each year before February 1, shall make a
77 full accounting of all receipts and expenditures of such funds
78 to the President of the Senate, the Speaker of the House of
79 Representatives, the majority and minority leaders of each house
80 of the Legislature, and the chairs of the appropriations
81 committees of each house of the Legislature. In the event that
82 the cumulative amount of funds collected exceeds the cumulative
83 amount of expenditures by more than \$2.5 million, excess funds
84 may be used for the purpose of purchasing soft body armor for
85 law enforcement officers.

86 3. Requested, by means of a toll-free telephone call or
87 other electronic means, the Department of Law Enforcement to
88 conduct a check of the information as reported and reflected in
89 the Florida Crime Information Center and National Crime
90 Information Center systems as of the date of the request.

91 4. Received a unique approval number for that inquiry from
92 the Department of Law Enforcement, and recorded the date and
93 such number on the consent form.

94
95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:

97 Delete line 981



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98 and insert:

99 applicable; amending s. 790.065, F.S.; requiring the
100 Department of Law Enforcement to include on a standard
101 form certain questions concerning a potential firearm
102 buyer's criminal history or other information relating
103 to the person's eligibility to make the firearm
104 purchase; requiring the department to notify law
105 enforcement officials when a potential sale or
106 transfer receives a nonapproval number; amending s.
107 843.08, F.S.; adding school