A bill to be entitled
An act relating to public safety; amending s. 401.30, F.S.; requiring emergency medical technicians and paramedics to disclose certain confidential communications to law enforcement agencies to communicate a threat under certain circumstances; requiring law enforcement agencies receiving such notifications to take appropriate actions to reduce the risk of harm to the potential victims; providing emergency medical technicians and paramedics with immunity from specified legal action or liability for such disclosure; amending s. 456.059, F.S.; defining the term “specified licensee”; requiring specified licensees, rather than only psychiatrists, to disclose certain confidential communications to law enforcement agencies to communicate a threat under certain circumstances; providing specified licensees with immunity from specified legal action or liability for such disclosure; amending s. 790.065, F.S.; authorizing a person who is not a licensed importer, a licensed manufacturer, or a licensed dealer and who chooses to not use a licensed importer, a licensed manufacturer, or a licensed dealer to facilitate a private sale of his or her firearm to sell the firearm if he or she complies with specified requirements; providing criminal penalties; creating s. 790.0653, F.S.; defining the term “property to which the public has the right of access”; prohibiting a person from selling, offering for sale, delivering, or
transferring a firearm to another person for consideration if any part of the transaction is conducted on property to which the public has the right of access, unless that person first meets certain requirements; providing that a seller or transferor who is not a licensed importer, a licensed manufacturer, or a licensed dealer may comply by requesting that a licensed importer, a licensed manufacturer, or a licensed dealer meet certain requirements on behalf of the seller or transferor; authorizing a licensed importer, a licensed manufacturer, or a licensed dealer to charge an administrative fee; requiring unlicensed sellers or transferors to prominently display specified information next to firearms being sold on property to which the public has the right of access; requiring firearm transaction records to be maintained in accordance with federal law; providing criminal penalties; providing applicability; amending s. 790.0655, F.S.; conforming a provision to changes made by the act; amending s. 790.174, F.S.; revising a provision related to requiring a person who stores or leaves a loaded firearm on a premises under his or her control to keep the firearm securely stored; revising applicability; redefining the term “minor”; amending s. 943.0311, F.S.; requiring the Chief of Domestic Security to oversee the development of a statewide strategy for targeted violence prevention; requiring the chief to coordinate with state and local law enforcement; requiring
enforcement agencies in the development of the
statewide strategy and in its implementation;
requiring periodic evaluation of the statewide
strategy; providing construction; providing an
appropriation; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsection (5) of section 401.30,
Florida Statutes, is redesignated as subsection (6), and a new
subsection (5) is added to that section, to read:

401.30 Records.—
(5) (a) Notwithstanding subsection (4), an emergency medical
technician or a paramedic must disclose confidential
communications to a law enforcement agency to the extent
necessary to communicate a threat if:

1. A person has received basic life support or advanced
life support from an emergency medical technician or a paramedic
within the scope of the emergency medical technician’s or the
paramedic’s employment pursuant to this part;

2. Such person has communicated to the emergency medical
technician or paramedic a specific threat to cause serious
bodily injury or death to an identified or a readily available
person; and

3. The emergency medical technician or paramedic in good
faith believes that the person has the apparent intent and
ability to imminently or immediately carry out such threat.

(b) A law enforcement agency that receives notification of
such threat under this subsection must take appropriate action
to prevent the risk of harm, including, but not limited to, notifying the potential victim of the threat or initiating a risk protection order.

(c) An emergency medical technician’s or a paramedic’s disclosure of confidential communications pursuant to this subsection may not be the basis of any legal action or criminal or civil liability against the emergency medical technician or paramedic.

Section 2. Section 456.059, Florida Statutes, is amended to read:

456.059 Communications confidential; exceptions.—

(1) As used in this section, the term "specified licensee" means any health care practitioner certified or licensed under chapter 458, chapter 459, chapter 462, part I of chapter 464, chapter 490, or chapter 491.

(2) Communications between a patient and a psychiatrist, as defined in s. 394.455, shall be held confidential and may not be disclosed except upon the request of the patient or the patient’s legal representative. Provision of psychiatric records and reports is governed by s. 456.057.

(3) Notwithstanding subsection (2) or any other law relating to the confidentiality of communications between a specified licensee and a patient, if provision of this section or s. 90.503, when:

(a) A patient has received health care services provided by a specified licensee is engaged in a treatment relationship with a psychiatrist;

(b) Such patient has communicated to the specified licensee psychiatrist a specific threat to cause serious bodily
injury or death to an identified or a readily available person; and

(c)(3) The specified licensee in good faith believes treating psychiatrist makes a clinical judgment that the patient has the apparent intent and ability to imminently or immediately carry out such threat,

the specified licensee psychiatrist may disclose patient communications to the extent necessary to warn any potential victim and must disclose patient communications to the extent necessary to communicate the threat to a law enforcement agency.

A law enforcement agency that receives notification of a specific threat under this section must take appropriate action to prevent the risk of harm, including, but not limited to, notifying the intended victim of such threat or initiating a risk protection order. A specified licensee’s psychiatrist’s disclosure of confidential communications when communicating a threat pursuant to this section may not be the basis of any legal action or criminal or civil liability against the specified licensee psychiatrist.

Section 3. Present subsection (14) of section 790.065, Florida Statutes, is redesignated as subsection (15), and a new subsection (14) is added to that section, to read:

790.065 Sale and delivery of firearms.—

(14)(a) A person who is not a licensed importer, a licensed manufacturer, or a licensed dealer and who chooses not to use a licensed importer, a licensed manufacturer, or a licensed dealer to facilitate a private sale may sell his or her firearm to another person if all of the following requirements are met:
1. The seller confirms by examining the purchaser’s valid government-issued photo identification that the purchaser is 21 years of age or older and is therefore of a lawful age to purchase a firearm.

2. The seller makes and preserves a dated record of the sale for each firearm which includes:
   a. The make, model, and serial number of the firearm sold to the purchaser. This information about the firearm must match the information provided on the affidavit required under this paragraph for the private sale of a firearm;
   b. The date of the sale;
   c. The purchaser’s name and date of birth and the identification number on the purchaser’s valid government-issued photo identification. This information about the purchaser must match the information provided on the affidavit for private sale of a firearm; and
   d. A copy of an affidavit for the private sale of a firearm signed by the purchaser and a notary public. At a minimum, the affidavit must be in substantially the following general form, but such form is not exclusive:

STATE OF FLORIDA
COUNTY OF ....

Before the undersigned authority personally appeared ...(Firearm purchaser’s full legal name)..., who on oath does solemnly swear (or affirm) that she or he has knowledge of the matters stated herein; that a purchase of a firearm is being made for a ...(Manufacturer of firearm)... ...(Model of firearm)....
...(Type of firearm)... with a serial number of ...(Firearm serial number)..., and who has provided a yes or no response to each of the following questions:

1. Are you the actual purchaser of the firearm listed on this affidavit? Yes .... No ....
2. Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than 1 year? Yes .... No ....
3. Have you ever been convicted in any court of a felony, or any other crime for which the judge could have imprisoned you for more than 1 year, even if you received a shorter sentence, including probation, and not had your rights restored pursuant to law? Yes .... No ....
4. Are you a fugitive from justice? Yes .... No ....
5. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Yes .... No ....
6. Have you ever been adjudicated as mentally defective or have you ever been committed to a mental institution and not had a petition for relief from the firearm disabilities imposed by such adjudication or commitment approved? Yes .... No ....
7. Have you been discharged from the United States Armed Forces under dishonorable conditions? Yes .... No ....
8. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? Yes .... No ....
9. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? Yes .... No ....
10. Are you under indictment or information in any court for a crime of domestic violence? Yes .... No ....

11. Have you ever renounced your United States citizenship? Yes .... No ....

12. Are you an alien illegally or unlawfully in the United States? Yes .... No ....

13. Are you an alien who has been admitted to the United States under a nonimmigrant visa? Yes .... No ....

...(Firearm purchaser’s full legal name)... has a valid government-issued photo identification in the form of a ...(Type of valid government photo identification)... with an identification number of ...(Identification number of valid government photo identification)..., which indicates the purchaser’s date of birth as ...(Date of birth on valid government photo identification)..., has indicated the physical address of the purchaser’s current residence as ...(Physical address of current residence)..., and will provide a copy of this affidavit to ...(Firearm seller’s full legal name)....

I, ...(Firearm purchaser’s full legal name)...., understand that I am swearing or affirming under oath to the truthfulness of the above information and statements made in this affidavit, and that the punishment for knowingly making a false statement may include fines or imprisonment, or both.

Dated ...(Day, month, year)...

Signed ...(Signature of firearm purchaser)...

________________________________________________

Page 8 of 15

CODING: Words stricken are deletions; words underlined are additions.
Sworn to (or affirmed) and subscribed before me this ___ day of
...(Month)..., ...(Year)..., by ...(Firearm purchaser’s full
legal name)....
...(Signature of Notary Public - State of Florida)...
...(Print, type, or stamp Commissioned Name of Notary Public)...
Personally Known .... or Produced Identification ....
Type of Identification Produced ....

3. The seller has confirmed the purchaser’s answer to each
question on the affidavit for private sale of a firearm is “No.”

4. The seller has no knowledge or reason to believe that
the purchaser is of unsound mind.

(b) A seller who violates this subsection commits a
misdemeanor of the second degree, punishable as provided in s.
775.082 or s. 775.083.

Section 4. Section 790.0653, Florida Statutes, is created
to read:

790.0653 Sale, delivery, or transfer of firearms conducted
on property to which the public has the right of access.—

(1) As used in this section, the term “property to which
the public has the right of access” means any property that is
open for public access, regardless of whether an admission fee
is charged, and includes, but is not limited to, a flea market,
a gun show, or a firearm exhibit.

(2) A person may not sell, offer for sale, deliver, or
transfer a firearm to another person for consideration if any part of the transaction is conducted on property to which the public has the right of access, unless he or she first meets the requirements that apply to a licensed importer, a licensed manufacturer, or a licensed dealer under s. 790.065(1)(a)1., 3., and 4.

(a) A seller or transferor who is not a licensed importer, a licensed manufacturer, or a licensed dealer may comply with this subsection by requesting that a licensed importer, a licensed manufacturer, or a licensed dealer, on behalf of the seller or transferor, for the purpose of a sale or transfer, perform the functions required under s. 790.065(1)(a). The licensed importer, licensed manufacturer, or licensed dealer may charge the unlicensed seller or transferor an administrative fee to cover the costs associated with the performance of those functions. The unlicensed seller or transferor shall prominently display next to any firearms being sold on property to which the public has the right of access the following information:

1. The full legal name of the seller or transferor; and
2. The full legal name and the license number of the licensed importer, licensed manufacturer, or licensed dealer who will be completing a transaction on behalf of the seller or transferor.

(b) A licensed importer, a licensed manufacturer, or a licensed dealer who conducts a criminal history records check pursuant to this subsection shall maintain the firearms transaction records in accordance with federal law and shall provide a copy of the firearms transaction record to the seller or transferor if he or she is not a licensed importer, a
(3) A person who violates subsection (2):
   (a) Commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 for a first offense.
   (b) Commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 for a second or subsequent offense.

(4) The mandatory waiting period, exceptions, and penalties of s. 790.0655 apply to this section.

Section 5. Paragraph (b) of subsection (3) of section 790.0655, Florida Statutes, is redesignated as paragraph (c) of that subsection, a new paragraph (b) is added to that subsection, and subsections (1) and (2) of that section are republished, to read:

790.0655 Purchase and delivery of firearms; mandatory waiting period; exceptions; penalties.—

(1)(a) A mandatory waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is 3 days, excluding weekends and legal holidays, or expires upon the completion of the records checks required under s. 790.065, whichever occurs later. “Purchase” means the transfer of money or other valuable consideration to the retailer. “Retailer” means and includes a licensed importer, licensed manufacturer, or licensed dealer 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 sales must be available for inspection by any law enforcement agency, as defined in s. 212.02(13).
934.02, during normal business hours.

(2) The waiting period does not apply in the following circumstances:

(a) When a firearm 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.

(c) To the purchase of a rifle or shotgun, upon a person’s successfully completing a minimum of a 16-hour 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 requirements under s. 379.3581 and holds a valid Florida hunting license is exempt from the mandatory waiting period under this section for the purchase of a rifle or shotgun.

(d) When a rifle or shotgun is being purchased by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.

(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 before the expiration of the waiting period, subject to the exceptions provided in subsection (2).

(b) For a seller or transferor under s. 790.0653, or an employee or agent of such seller or transferor, to deliver a firearm before the expiration of the waiting period, subject to the exceptions provided in subsection (2).

(c) For a purchaser to obtain delivery of a firearm by fraud, false pretense, or false representation.
Section 6. Section 790.174, Florida Statutes, is amended to read:

790.174 Safe storage of firearms required.—

(1) A person who stores or leaves, on a premise under his or her control, a loaded firearm, as defined in s. 790.001, and who has actual knowledge that a person of unsound mind or who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor’s parent or the person having charge of the minor, or without the supervision required by law, shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure it with a trigger lock, except when the person is carrying the firearm on his or her body or within such close proximity thereto that he or she can retrieve and use it as easily and quickly as if he or she carried it on his or her body.

(2) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if a person violates subsection (1) by failing to store or leave a firearm in the required manner and as a result thereof a person of unsound mind or a minor gains access to the firearm, without the lawful permission of the minor’s parent or the person having charge of the minor, and possesses or exhibits it, without the supervision required by law:

(a) In a public place; or

(b) In a rude, careless, angry, or threatening manner in violation of s. 790.10.
This subsection does not apply if the person of unsound mind or minor obtains the firearm as a result of an unlawful entry by any person.

(3) As used in this section, the term “minor” means any person under 18 years of age.

Section 7. Effective upon the same date that SB 7030 or similar legislation takes effect, only if such legislation is adopted in the same legislative session or an extension thereof and becomes a law, present subsection (7) of section 943.0311, Florida Statutes, is redesignated as subsection (10), and a new subsection (7) and subsections (8) and (9) are added to that section, to read:

943.0311 Chief of Domestic Security; duties of the department with respect to domestic security.—

(7) The chief shall oversee the development of a statewide strategy for targeted violence prevention to develop a comprehensive threat assessment strategy and appropriate training to be used by state and local law enforcement agencies. The chief shall coordinate with state and local law enforcement agencies in the development of the statewide strategy and its implementation.

(8) Any statewide strategy for targeted violence prevention shall be evaluated periodically, as determined by the department, and after any event of targeted violence, to incorporate changes needed to address deficiencies and improve effectiveness.

(9) Subsections (7) and (8) may not be construed to abrogate or diminish any person’s right to be secure in their persons, houses, papers, and effects against unreasonable
seizures and searches as provided in the United States and Florida Constitutions, and in the laws of this state and the Federal Government, including, but not limited to, s. 933.04.

Section 8. Effective upon the same date that SB 7030 or similar legislation takes effect, only if such legislation is adopted in the same legislative session or an extension thereof and becomes a law, for the 2020-2021 fiscal year, 37 full-time equivalent positions with an associated total salary rate of $2,045,705 are authorized and the recurring sum of $4,827,538 and the nonrecurring sum of $1,043,415 are appropriated from the General Revenue Fund to the Department of Law Enforcement for the purpose of implementing a statewide strategy for targeted violence prevention.

Section 9. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.