

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Smith offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 688 and 689, insert:

5 Section 12. Section 790.0651, Florida Statutes, is created
6 to read:

7 790.0651 Firearms dealer security.-

8 (1) DEFINITIONS.-As used in this section, the term:

9 (a) "Firearms dealer" means a dealer federally-licensed to
10 sell firearms who operates a retail business in which firearms
11 are sold from a permanent business location other than the
12 dealer's home.

546223

Approved For Filing: 3/6/2018 8:10:21 AM

Amendment No.

13 (b) "Secure facility" means a building that meets all of
14 the following specifications:

15 1. All perimeter doorways are equipped with one of the
16 following:

17 a. A windowless steel security door equipped with both a
18 dead bolt and a doorknob lock;

19 b. A windowed metal door that is equipped with both a dead
20 bolt and a doorknob lock. If the window has an opening of 5
21 inches or more measured in any direction, the window must be
22 covered with steel bars that are at least one-half inch in
23 diameter or covered with metal grating that is at least 9 gauge
24 affixed to the exterior or interior of the door; or

25 c. A metal grate that is padlocked and affixed to the
26 firearms dealer's premises independent of the door and
27 doorframe.

28 2. All windows are covered with steel bars.

29 3. Heating, ventilating, air-conditioning, and service
30 openings are secured with steel bars, metal grating, or an alarm
31 system.

32 4. Metal grates have spaces no larger than 6 inches wide
33 measured in any direction.

34 5. Metal screens have spaces no larger than 3 inches wide
35 measured in any direction.

36 6. All steel bars are no further than 6 inches apart.

37 (2) SECURITY MEASURES REQUIRED.-

546223

Approved For Filing: 3/6/2018 8:10:21 AM

Amendment No.

38 (a) When a firearms dealer is not open for business, each
39 firearm in the firearms dealer's business premises must be
40 secured by storing the firearm in a secure facility that is part
41 of, or that constitutes, the firearms dealer's business
42 premises.

43 (b) In addition to the required security measures in
44 paragraph (a):

45 1. Unless the firearms dealer complies with paragraph (c),
46 each firearm on a firearms dealer's business premises must be:

47 a. Secured with a hardened steel rod or cable that is at
48 least one-eighth inch in diameter through the trigger guard of
49 the firearm. The steel rod or cable must be secured with a
50 hardened steel lock that has a shackle. The lock and shackle
51 must be protected or shielded from the use of a boltcutter, and
52 the rod or cable must be anchored in a manner that prevents the
53 removal of the firearm from the premises;

54 b. Stored in a locked fireproof safe or vault on the
55 firearms dealer's business premises;

56 c. Stored in a display case that is made with a steel
57 frame that is at least 12 gauge, is fitted with a hardened steel
58 lock where the case opens to access the firearm, and is fitted
59 with:

60 (I) Smash-proof polycarbonate panels that are at least
61 one-quarter inch thick; or

546223

Approved For Filing: 3/6/2018 8:10:21 AM

Amendment No.

62 (II) Glass that is protected with a security or protective
63 laminated film that is specifically designed to delay entry and
64 unauthorized access, that is at least 8 mils (eight-thousandths
65 of an inch thick, and that includes an anchoring system on all
66 seams of each glass panel and is also anchored to the frame.

67 d. Stored in a windowless room that is equipped with a
68 steel security door fitted with a deadbolt lock and that does
69 not have a door exposed to the outside of the building;

70 e. Stored behind a steel roll-down door or security gate;

71 or

72 f. Secured with a hardened steel bar in a locked steel gun
73 rack.

74 2. For street-level firearms dealers:

75 a. If the firearms dealer uses the method described in
76 sub-subparagraph (b)1.a. and the firearms dealer's business
77 location is at street level, the firearms dealer shall install,
78 or cause to be installed, concrete or hardened steel bollards,
79 or other barriers with a similar structural integrity of
80 bollards, to protect the location's front entrance, any floor-
81 to-ceiling windows, and any other doors that could be breached
82 by a vehicle. The bollards must meet the following requirements:

83 (I) Be at least 4 inches in diameter and 36 inches in
84 height from the ground.

85 (II) Be spaced so as not to obstruct accessible routes or
86 accessible means of egress in compliance with Standard 206.8 of

546223

Approved For Filing: 3/6/2018 8:10:21 AM

Amendment No.

87 Chapter 2 of the Americans with Disabilities Act of 1990, 42
88 U.S.C. ss. 12101 et seq., and have a clear width of at least 36
89 inches but no more than 60 inches.

90 (III) Be capable of stopping a 5,000 pound vehicle
91 traveling at 30 miles per hour, in compliance with ASTM
92 International Standard Test Method F3016.

93 b. This subparagraph does not apply to elevated loading
94 docks, to locations of a firearms dealer's premises that are
95 fitted with steel roll-down doors, or to a firearms dealer who
96 is unable to comply due to local ordinances, covenants, lease
97 conditions, or similar conditions not under the control of the
98 firearms dealer.

99 c. Bollards installed before July 1, 2018, are considered
100 compliant with this section if they are composed of concrete or
101 hardened steel, do not obstruct accessible routes or accessible
102 means of egress in compliance with Standard 206.8 of Chapter 2
103 of the Americans with Disabilities Act of 1990, 2 U.S.C. ss.
104 12101 et seq., and have a clear width of at least 36 inches but
105 no more than 60 inches.

106 (c) Unless the firearms dealer complies with paragraph
107 (b), the firearms dealer shall install locking steel roll-down
108 doors on any perimeter doors and floor-to-ceiling windows.
109 Emergency exits are exempt from this requirement where
110 installation would be in violation of a state or local fire
111 code.

546223

Approved For Filing: 3/6/2018 8:10:21 AM

Amendment No.

112 (d) Except as provided in sub-subparagraph (b)2.b., upon
113 written request from a firearms dealer, the Department of Law
114 Enforcement may grant an exemption from compliance with the
115 requirements of paragraph (a), paragraph (b), or paragraph (c),
116 in any combination, if the firearms dealer presents evidence
117 that he or she is unable to comply with such requirements
118 because of a local ordinance, covenant, lease condition, or
119 similar circumstance not under the control of the firearms
120 dealer, and the firearms dealer proposes security measures for
121 his or her business premises which provide a similar level of
122 security to the requirements the firearms dealer is unable to
123 comply with.

124 (e) Paragraphs (a), (b), and (c) do not apply to a
125 firearms dealer organized as a corporation not for profit or a
126 mutual benefit corporation under chapter 617 if both of the
127 following conditions are satisfied:

128 1. The corporation not for profit or mutual benefit
129 corporation obtained the firearms dealer's license solely and
130 exclusively to assist that corporation or local chapters of that
131 corporation in conducting auctions or similar events at which
132 firearms are auctioned off to fund the activities of that
133 corporation or the local chapters of the corporation.

134 2. The firearms are not handguns.

135 (f) A firearms dealer must make its business location
136 available to the Department of Law Enforcement for inspection

546223

Approved For Filing: 3/6/2018 8:10:21 AM

Amendment No.

137 during normal business hours for the purpose of verifying
 138 compliance with this section. Such inspections are limited to
 139 the parts of the premises that are used to store or sell
 140 firearms. A law enforcement official is not required to give
 141 advance notice of an inspection. No more than two inspections of
 142 any single place of business shall be conducted during any 6-
 143 month period; however, follow-up inspections in excess of two in
 144 a 6-month period may be conducted if a law enforcement official
 145 has good cause to believe that a firearms dealer is violating
 146 this section.

147 (g) A dealer who sells ammunition shall sell or display
 148 the ammunition in a manner that ensures it remains inaccessible
 149 to a purchaser without the assistance of the dealer or employee.

150 (3) PENALTIES.—A firearms dealer found to be in violation
 151 of this section commits a noncriminal violation and shall pay a
 152 civil penalty of \$1,500 for a first violation and \$3,000 for a
 153 second or subsequent violation.

154 -----

156 **T I T L E A M E N D M E N T**

157 Remove line 71 and insert:
 158 exceptions; creating s. 790.0651, F.S.; providing
 159 definitions; requiring the premises of firearms
 160 dealers to meet specified security requirements;
 161 providing for inspections of such premises; providing

546223

Approved For Filing: 3/6/2018 8:10:21 AM

Amendment No.

162 | limits on the number of inspections permitted;
163 | providing an exception; providing penalties for
164 | violations; amending s. 790.0655, F.S.; revising the

546223

Approved For Filing: 3/6/2018 8:10:21 AM