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LEGISLATIVE ACTION

Senate

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House

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Floor: NC/2R

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03/03/2018 06:06 PM

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Senator Taddeo moved the following:

**Senate Amendment (with title amendment)**

Delete lines 357 - 360

and insert:

Section 7. Present subsection (13) of section 790.065, Florida Statutes, is redesignated as subsection (14), a new subsection (13) is added to that section, and paragraph (c) of subsection (2) of that section is amended, to read:

790.065 Sale and delivery of firearms.—

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the



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12 licensee's call or by return call, forthwith:

13 (c)1. Review any records available to it to determine  
14 whether the potential buyer or transferee has been indicted or  
15 has had an information filed against her or him for an offense  
16 that is a felony under either state or federal law, or, as  
17 mandated by federal law, has had an injunction for protection  
18 against domestic violence entered against the potential buyer or  
19 transferee under s. 741.30, has had an injunction for protection  
20 against repeat violence entered against the potential buyer or  
21 transferee under s. 784.046, or has been arrested for a  
22 dangerous crime as specified in s. 907.041(4) (a) or for any of  
23 the following enumerated offenses:

- 24 a. Criminal anarchy under ss. 876.01 and 876.02.
- 25 b. Extortion under s. 836.05.
- 26 c. Explosives violations under s. 552.22(1) and (2).
- 27 d. Controlled substances violations under chapter 893.
- 28 e. Resisting an officer with violence under s. 843.01.
- 29 f. Weapons and firearms violations under this chapter.
- 30 g. Treason under s. 876.32.
- 31 h. Assisting self-murder under s. 782.08.
- 32 i. Sabotage under s. 876.38.
- 33 j. Stalking or aggravated stalking under s. 784.048.

34  
35 If the review indicates any such indictment, information, or  
36 arrest, the department shall provide to the licensee a  
37 conditional nonapproval number.

38 2. Within 24 working hours, the department shall determine  
39 the disposition of the indictment, information, or arrest and  
40 inform the licensee as to whether the potential buyer is



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41 prohibited from receiving or possessing a firearm. For purposes  
42 of this paragraph, "working hours" means the hours from 8 a.m.  
43 to 5 p.m. Monday through Friday, excluding legal holidays.

44 3. The office of the clerk of court, at no charge to the  
45 department, shall respond to any department request for data on  
46 the disposition of the indictment, information, or arrest as  
47 soon as possible, but in no event later than 8 working hours.

48 4. The department shall determine as quickly as possible  
49 within the allotted time period whether the potential buyer is  
50 prohibited from receiving or possessing a firearm.

51 5. If the potential buyer is not so prohibited, or if the  
52 department cannot determine the disposition information within  
53 the allotted time period, the department shall provide the  
54 licensee with a conditional approval number.

55 6. If the buyer is so prohibited, the conditional  
56 nonapproval number shall become a nonapproval number and the  
57 department must notify by telephone or by electronic means,  
58 followed by written notice, the appropriate sheriff's office and  
59 the local law enforcement agency and identify the potential  
60 buyer who is prohibited from receiving or possessing a firearm.

61 7. The department shall continue its attempts to obtain the  
62 disposition information and may retain a record of all approval  
63 numbers granted without sufficient disposition information. If  
64 the department later obtains disposition information which  
65 indicates:

66 a. That the potential buyer is not prohibited from owning a  
67 firearm, it shall treat the record of the transaction in  
68 accordance with this section; or

69 b. That the potential buyer is prohibited from owning a



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70 firearm, it shall immediately revoke the conditional approval  
71 number and notify local law enforcement.

72 8. During the time that disposition of the indictment,  
73 information, or arrest is pending and until the department is  
74 notified by the potential buyer that there has been a final  
75 disposition of the indictment, information, or arrest, the  
76 conditional nonapproval number shall remain in effect.

77

78 ===== T I T L E A M E N D M E N T =====

79 And the title is amended as follows:

80 Delete line 44

81 and insert:

82 s. 790.065, F.S.; requiring the Department of Law  
83 Enforcement to notify, by telephone or by electronic  
84 means, and in writing, the appropriate sheriff's  
85 office and local law enforcement agency and identify  
86 potential buyers who are prohibited from receiving or  
87 possessing a firearm; prohibiting a person younger  
88 than a