

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Shaw offered the following:

Amendment (with title amendment)

Between lines 660 and 661, 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:

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13 1. Obtained a completed form from the potential buyer or
14 transferee, which form shall have been adopted ~~promulgated~~ by
15 the Department of Law Enforcement and provided by the licensed
16 importer, licensed manufacturer, or licensed dealer, which shall
17 include the name, date of birth, gender, race, and social
18 security number or other identification number of such potential
19 buyer or transferee and has inspected proper identification
20 including an identification containing a photograph of the
21 potential buyer or transferee.

22 2. Collected a fee from the potential buyer for processing
23 the criminal history check of the potential buyer. The fee shall
24 be established by the Department of Law Enforcement and may not
25 exceed \$8 per transaction. The Department of Law Enforcement may
26 reduce, or suspend collection of, the fee to reflect payment
27 received from the Federal Government applied to the cost of
28 maintaining the criminal history check system established by
29 this section as a means of facilitating or supplementing the
30 National Instant Criminal Background Check System. The
31 Department of Law Enforcement shall, by rule, establish
32 procedures for the fees to be transmitted by the licensee to the
33 Department of Law Enforcement. All such fees shall be deposited
34 into the Department of Law Enforcement Operating Trust Fund, but
35 shall be segregated from all other funds deposited into such
36 trust fund and must be accounted for separately. Such segregated
37 funds must not be used for any purpose other than the operation

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38 of the criminal history checks required by this section. The
39 Department of Law Enforcement, each year before ~~prior to~~
40 February 1, shall make a full accounting of all receipts and
41 expenditures of such funds to the President of the Senate, the
42 Speaker of the House of Representatives, the majority and
43 minority leaders of each house of the Legislature, and the
44 chairs of the appropriations committees of each house of the
45 Legislature. In the event that the cumulative amount of funds
46 collected exceeds the cumulative amount of expenditures by more
47 than \$2.5 million, excess funds may be used for the purpose of
48 purchasing soft body armor for law enforcement officers.

49 3. Requested, by means of a toll-free telephone call, the
50 Department of Law Enforcement to conduct a check of the
51 information as reported and reflected in the Florida Crime
52 Information Center and National Crime Information Center systems
53 as of the date of the request.

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

57 (b) However, if the person purchasing, or receiving
58 delivery of, the firearm is a holder of a valid concealed
59 weapons or firearms license pursuant to ~~the provisions of s.~~
60 790.06 or holds an active certification from the Criminal
61 Justice Standards and Training Commission as a "law enforcement
62 officer," a "correctional officer," or a "correctional probation

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63 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or
64 (9), this subsection does not apply.

65 (c) This subsection does not apply to the purchase, trade,
66 or transfer of a rifle or shotgun by a resident of this state
67 when the resident makes such purchase, trade, or transfer from a
68 licensed importer, licensed manufacturer, or licensed dealer in
69 another state.

70 (d)1. If neither party to a prospective firearms sale,
71 lease, or transfer is a licensed dealer, the parties to the
72 transaction must complete the sale, lease, or transfer through a
73 licensed dealer as follows:

74 a. The seller, lessor, or transferor must deliver the
75 firearm to a licensed dealer, who shall process the sale, lease,
76 or transfer as if she or he were the seller, lessor, or
77 transferor, except that the seller, lessor, or transferor who is
78 not a licensed dealer may remove the firearm from the business
79 premises of the licensed dealer while the background check is
80 being conducted and while the waiting period requirement set
81 forth in s. 790.0655 is being met. Other than allowing the
82 unlicensed seller or transferor to remove the firearm from the
83 licensed dealer's business premises, the licensed dealer shall
84 comply with all requirements of federal and state law which
85 would apply if she or he were the seller, lessor, or transferor
86 of the firearm;

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87 b. The licensed dealer shall conduct a background check on
88 the buyer or other transferee as provided in this section and,
89 unless the transaction is prohibited, and after all other legal
90 requirements are met, including those set forth in s. 790.0655,
91 the licensed dealer shall either:

92 (I) Deliver the firearm to the seller, lessor, or
93 transferor, who shall complete the transaction and deliver the
94 firearm to the buyer; or

95 (II) If the seller, lessor, or transferor has removed the
96 firearm from the licensed dealer's business premises, contact
97 the seller, lessor, or transferor to let her or him know that he
98 or she may complete the transaction and deliver the firearm to
99 the buyer;

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

102 (I) Return the firearm to the seller, lessor, or
103 transferor; or

104 (II) If the seller, lessor, or transferor has removed the
105 firearm from the licensed dealer's business premises, contact
106 the seller, lessor, or transferor to let her or him know that
107 the transaction is prohibited, and that the seller, lessor, or
108 transferor may not deliver the firearm to the buyer; and

109 d. The licensed dealer may require the buyer or other
110 transferee to pay a fee covering the administrative costs
111 incurred by the licensed dealer for facilitating the transfer of

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112 the firearm, plus applicable fees pursuant to federal and state
113 law.

114 2. This paragraph does not apply to:

115 a. The activities of the United States Marshals Service,
116 members of the United States Armed Forces or the National Guard,
117 or federal officials required to carry firearms while engaged in
118 performing their official duties; or

119 b. The following activities, unless the lawful owner knows
120 or has reasonable cause to believe that federal, state, or local
121 law prohibits the transferee from purchasing or possessing
122 firearms, or that the transferee is likely to use the firearm
123 for unlawful purposes:

124 (I) The delivery of a firearm to a gunsmith for service or
125 repair, or the return of the firearm to its owner by the
126 gunsmith;

127 (II) The transfer of a firearm to a carrier, warehouseman,
128 or other person engaged in the business of transportation or
129 storage, to the extent that the receipt, possession, or having
130 on or about the person any firearm is in the ordinary course of
131 business and in conformity with federal, state, and local laws,
132 and not for the personal use of any such person;

133 (III) The loan of a firearm solely for the purpose of
134 shooting at targets, if the loan occurs on the premises of a
135 properly licensed target facility and if the firearm is at all
136 times kept within the premises of the target facility;

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137 (IV) The loan of a firearm to a person who is under 18
138 years of age for lawful hunting, sporting, or educational
139 purposes while under the direct supervision and control of a
140 responsible adult;

141 (V) The loan of a firearm to a person who is 18 years of
142 age or older if the firearm remains in the person's possession
143 only while the person is accompanying the lawful owner and using
144 the firearm for lawful hunting, sporting, or recreational
145 purposes; or

146 (VI) The loan of a firearm to an adult family member of
147 the lawful owner of the firearm if the lawful owner resides with
148 the family member but is not present in the residence, provided
149 that the family member does not maintain control over the
150 firearm for more than 10 consecutive days.

151 ~~(3) In the event of scheduled computer downtime,~~
152 ~~electronic failure, or similar emergency beyond the control of~~
153 ~~the Department of Law Enforcement, the department shall~~
154 ~~immediately notify the licensee of the reason for, and estimated~~
155 ~~length of, such delay. After such notification, the department~~
156 ~~shall forthwith, and in no event later than the end of the next~~
157 ~~business day of the licensee, either inform the requesting~~
158 ~~licensee if its records demonstrate that the buyer or transferee~~
159 ~~is prohibited from receipt or possession of a firearm pursuant~~
160 ~~to Florida and Federal law or provide the licensee with a unique~~
161 ~~approval number. Unless notified by the end of said next~~

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162 ~~business day that the buyer or transferee is so prohibited, and~~
163 ~~without regard to whether she or he has received a unique~~
164 ~~approval number, the licensee may complete the sale or transfer~~
165 ~~and shall not be deemed in violation of this section with~~
166 ~~respect to such sale or transfer.~~

167 ~~(10) A licensed importer, licensed manufacturer, or~~
168 ~~licensed dealer is not required to comply with the requirements~~
169 ~~of this section in the event of:~~

170 ~~(a) Unavailability of telephone service at the licensed~~
171 ~~premises due to the failure of the entity which provides~~
172 ~~telephone service in the state, region, or other geographical~~
173 ~~area in which the licensee is located to provide telephone~~
174 ~~service to the premises of the licensee due to the location of~~
175 ~~said premises; or the interruption of telephone service by~~
176 ~~reason of hurricane, tornado, flood, natural disaster, or other~~
177 ~~act of God, war, invasion, insurrection, riot, or other bona~~
178 ~~fide emergency, or other reason beyond the control of the~~
179 ~~licensee; or~~

180 ~~(b) Failure of the Department of Law Enforcement to comply~~
181 ~~with the requirements of subsections (2) and (3).~~

182 Section 12. Paragraph (a) of subsection (1) of section
183 790.0655, Florida Statutes, is amended to read:

184 790.0655 Purchase and delivery of handguns; mandatory
185 waiting period; exceptions; penalties.-

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186 (1) (a) There shall be a mandatory 3-day waiting period,
187 which shall be 3 days, excluding weekends and legal holidays,
188 between the purchase and the delivery at retail, or the delivery
189 through a private sale facilitated through a licensed dealer
190 under s. 790.065(1)(d), of any handgun. "Purchase" means the
191 transfer of money or other valuable consideration to the
192 retailer. "Handgun" means a firearm capable of being carried and
193 used by one hand, such as a pistol or revolver. "Retailer" means
194 and includes every person engaged in the business of making
195 sales at retail or for distribution, or use, or consumption, or
196 storage to be used or consumed in this state, as defined in s.
197 212.02(13).

198 Section 13. Paragraph (e) of subsection (3) of section
199 790.335, Florida Statutes, is amended to read:

200 790.335 Prohibition of registration of firearms;
201 electronic records.—

202 (3) EXCEPTIONS.—The provisions of this section shall not
203 apply to:

204 (e)1. Records kept pursuant to the recordkeeping
205 provisions of s. 790.065; however, nothing in this section shall
206 be construed to authorize the public release or inspection of
207 records that are made confidential and exempt from the
208 provisions of s. 119.07(1) by s. 790.065(3)(a) ~~s. 790.065(4)(a)~~.

209 2. Nothing in this paragraph shall be construed to allow
210 the maintaining of records containing the names of purchasers or

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211 transferees who receive unique approval numbers or the
212 maintaining of records of firearm transactions.

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

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Between lines 58 and 59, insert:

217

amending s. 790.065, F.S.; requiring that the parties, if

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neither party to a sale, lease, or transfer of a firearm is

219

a licensed dealer, complete the sale, lease, or transfer

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through a licensed dealer; specifying procedures and

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requirements for a licensed dealer, a seller, lessor, or

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transferor, and a buyer, lessee, or transferee; authorizing

223

a licensed dealer to charge a buyer or transferee specified

224

fees; providing applicability; deleting provisions

225

authorizing a licensee to complete the sale or transfer of

226

a firearm to a person without receiving notification from

227

the Department of Law Enforcement informing the licensee as

228

to whether such person is prohibited from receipt or

229

possession of a firearm or providing a unique approval

230

number under certain circumstances; deleting provisions

231

exempting a licensed importer, licensed manufacturer, or

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licensed dealer from the sale and delivery requirements,

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under certain circumstances; amending s. 790.0655, F.S.;

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applying the mandatory 3-day waiting period to private

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235 | sales of handguns facilitated through a licensed dealer;
236 | amending s. 790.335, F.S.; conforming a cross-reference;

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