

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Constitutional Rights,
 2 Rule of Law & Government Operations Subcommittee
 3 Representative Joseph offered the following:

Amendment (with title amendment)

Between lines 668 and 669, insert:

Section 9. 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:

1. Obtained a completed form from the potential buyer or
 transferee, which form shall have been promulgated by the

Amendment No.

17 Department of Law Enforcement and provided by the licensed
18 importer, licensed manufacturer, or licensed dealer, which shall
19 include the name, date of birth, gender, race, and social
20 security number or other identification number of such potential
21 buyer or transferee and has inspected proper identification
22 including an identification containing a photograph of the
23 potential buyer or transferee.

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

190383 - h0543-line668.docx

Published On: 2/7/2023 2:27:17 PM

Amendment No.

42 not be used for any purpose other than the operation of the
43 criminal history checks required by this section. The Department
44 of Law Enforcement, each year before February 1, shall make a
45 full accounting of all receipts and expenditures of such funds
46 to the President of the Senate, the Speaker of the House of
47 Representatives, the majority and minority leaders of each house
48 of the Legislature, and the chairs of the appropriations
49 committees of each house of the Legislature. In the event that
50 the cumulative amount of funds collected exceeds the cumulative
51 amount of expenditures by more than \$2.5 million, excess funds
52 may be used for the purpose of purchasing soft body armor for
53 law enforcement officers.

54 3. Requested, by means of a toll-free telephone call or
55 other electronic means, the Department of Law Enforcement to
56 conduct a check of the information as reported and reflected in
57 the Florida Crime Information Center and National Crime
58 Information Center systems as of the date of the request.

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

62 (b) However, if the person purchasing, or receiving
63 delivery of, the firearm is a holder of a valid concealed
64 weapons or firearms license pursuant to ~~the provisions of s.~~
65 790.06 or holds an active certification from the Criminal
66 Justice Standards and Training Commission as a "law enforcement

Amendment No.

67 officer," a "correctional officer," or a "correctional probation
68 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or
69 (9), this subsection does not apply.

70 (c) This subsection does not apply to the purchase, trade,
71 or transfer of a rifle or shotgun by a resident of this state
72 when the resident makes such purchase, trade, or transfer from a
73 licensed importer, licensed manufacturer, or licensed dealer in
74 another state.

75 (d)1. If neither party to a prospective firearms sale,
76 lease, or other transfer is a licensed dealer, the parties to
77 such transaction must complete the sale, lease, or other
78 transfer through a licensed dealer as follows:

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

190383 - h0543-line668.docx

Published On: 2/7/2023 2:27:17 PM

Amendment No.

92 b. The licensed dealer shall conduct a background check on
93 the buyer or other transferee in accordance with this section
94 and, unless the transaction is prohibited and after all other
95 legal requirements are met, including those set forth in s.
96 790.0655, the dealer shall either:

97 (I) Deliver the firearm to the seller, lessor, or
98 transferor, who shall complete the transaction and deliver the
99 firearm to the buyer or other transferee; or

100 (II) If the seller, lessor, or transferor has removed the
101 firearm from the licensed dealer's business premises, contact
102 the seller, lessor, or transferor to let her or him know that
103 she or he may complete the transaction and deliver the firearm
104 to the buyer or other transferee;

105 c. If the licensed dealer cannot legally complete the
106 transaction, the dealer must:

107 (I) Return the firearm to the seller, lessor, or
108 transferor; or

109 (II) If the seller, lessor, or transferor has removed the
110 firearm from the licensed dealer's business premises, contact
111 the seller, lessor, or transferor to let her or him know that
112 the transaction is prohibited and the seller, lessor, or
113 transferor may not deliver the firearm to the buyer; and

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

Amendment No.

117 the firearm, plus applicable fees pursuant to federal and state
118 law.

119 2. This paragraph does not apply to:

120 a. The activities of the United States Marshals Service,
121 members of the United States Armed Forces or the National Guard,
122 or federal officials required to carry firearms while engaged in
123 performing their official duties; or

124 b. The following activities, unless the lawful owner knows
125 or has reasonable cause to believe that federal, state, or local
126 laws prohibit the transferee from purchasing or possessing
127 firearms or that the transferee is likely to use the firearm for
128 unlawful purposes:

129 (I) The delivery of a firearm to a gunsmith for service or
130 repair, or the return of the firearm to its owner by the
131 gunsmith;

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

138 (III) The loan of a firearm solely for the purpose of
139 shooting at targets, if the loan occurs on the premises of a
140 properly licensed target facility and if the firearm is at all
141 times kept within the premises of the target facility;

190383 - h0543-line668.docx

Published On: 2/7/2023 2:27:17 PM

Amendment No.

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

146 (V) The loan of a firearm to a person who is 18 years of
147 age or older if the firearm remains in the person's possession
148 only while the person is accompanying the lawful owner and using
149 the firearm for lawful hunting, sporting, or recreational
150 purposes; or

151 (VI) The loan of a firearm to an adult family member of
152 the lawful owner of the firearm if the lawful owner resides with
153 the family member but is not present in the residence, provided
154 that the family member does not maintain control over the
155 firearm for more than 10 consecutive days.

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

Amendment No.

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

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

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

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

187 Section 10. Paragraph (e) of subsection (3) of section
188 790.335, Florida Statutes, is amended to read:

189 790.335 Prohibition of registration of firearms;
190 electronic records.—

Amendment No.

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

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

198 2. Nothing in this paragraph shall be construed to allow
199 the maintaining of records containing the names of purchasers or
200 transferees who receive unique approval numbers or the
201 maintaining of records of firearm transactions.

202

203

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

204

Between lines 36 and 37, insert:

205

206 amending s. 790.065, F.S.; requiring the parties, if
207 neither party to a sale, lease, or other transfer of a
208 firearm is a licensed dealer, to complete the sale,
209 lease, or other transfer through a licensed dealer;
210 specifying procedures and requirements for a licensed
211 dealer, seller, lessor, or transferor and a buyer or
212 transferee; authorizing a licensed dealer to charge a
213 buyer or transferee specified fees; providing
214 applicability; deleting provisions authorizing a
215 licensee to complete the sale or transfer of a firearm

190383 - h0543-line668.docx

Published On: 2/7/2023 2:27:17 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 543 (2023)

Amendment No.

216 to a person without receiving certain notification
217 from the Department of Law Enforcement informing the
218 licensee that such person is prohibited from receipt
219 or possession of a firearm or the department providing
220 a unique approval number under certain circumstances;
221 deleting provisions exempting a licensed importer,
222 licensed manufacturer, or licensed dealer from the
223 sale and delivery requirements under certain
224 circumstances; amending s. 790.335, F.S.; conforming a
225 cross-reference;