Florida House of Representatives - 1998

CS/CS/HB 2037

By the Committees on Transportation & Economic Development Appropriations, Governmental Operations, Law Enforcement & Public Safety and Representative Futch

1	A bill to be entitled
2	An act relating to determination of residency
3	for regulatory purposes; amending s. 322.051,
4	F.S., relating to identification cards;
5	requiring that an applicant for an
6	identification card provide specified proof of
7	residency; requiring a statement on the card as
8	to whether the applicant is a Florida resident;
9	providing rule adoption authority; amending s.
10	322.08, F.S.; requiring that an applicant for a
11	driver's license provide specified proof of
12	residency; requiring a statement on the license
13	as to whether the applicant is a Florida
14	resident; providing rule adoption authority;
15	amending s. 790.065, F.S.; prohibiting a
16	licensed importer, licensed manufacturer, or
17	licensed dealer from selling or delivering a
18	firearm without having determined that the
19	potential buyer or transferee of a handgun is a
20	resident of this state, under certain
21	circumstances; providing an effective date.
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23	Be It Enacted by the Legislature of the State of Florida:
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25	Section 1. Subsection (1) of section 322.051, Florida
26	Statutes, is amended to read:
27	322.051 Identification cards
28	(1) Any person who is 12 years of age or older, or any
29	person who has a disability, regardless of age, who applies
30	for a disabled parking permit under s. 320.0848, may be issued
31	an identification card by the department upon completion of an
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Florida House of Representatives - 1998 198-295-98

application and payment of an application fee. The 1 2 application must include the applicant's full name (first, 3 middle or maiden, and last), sex, race, residence address and mailing address, proof of birth satisfactory to the 4 5 department, and other data that the department requires. An 6 application for an identification card must be signed and 7 verified by the applicant in a format designated by the 8 department before a person authorized to administer oaths. The fee for an identification card is \$3, including payment for 9 the color photograph or digital image of the applicant. The 10 11 application must be accompanied by proof of residency, which 12 shall consist of one or more of the following documents: 13 (a) A residential lease; 14 (b) Title to real property; 15 (c) Voter registration card; 16 (d) Utility bills; (e) Employment records or paychecks; 17 (f) A document similar in nature to a document 18 19 described in paragraph (a), (b), (c), (d), or (e); or 20 (g) An identification card issued under this section, or a license issued pursuant to s. 322.08, to the spouse of 21 22 the applicant or to the parent or legal guardian of an 23 applicant who is a minor. 24 25 The identification card shall state whether the applicant is a 26 Florida resident. The department may adopt rules regulating 27 the application for, or issuance of, identification cards 28 consistent with this section. 29 Section 2. Subsection (2) of section 322.08, Florida Statutes, is amended to read: 30 31 322.08 Application for license.--2

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Florida House of Representatives - 1998 CS/CS/HB 2037 198-295-98

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1	(2) Each such application shall reflect the										
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3	proof of identity satisfactory to the department, proof of										
4	birth date satisfactory to the department, sex, social										
5	security number, and residence and mailing address of the										
6	applicant, and briefly describe the applicant, and shall state										
7	whether the applicant has previously been licensed to drive,										
8	and if so, when and by what state, and whether any such										
9	license or driving privilege has ever been disqualified,										
10	revoked, or suspended, or whether an application has ever been										
11	refused, and if so, the date of and reason for such										
12	disqualification, suspension, revocation, or refusal. The										
13	application must be accompanied by proof of residency, which										
14	shall consist of one or more of the following documents:										
15	(a) A residential lease;										
16	(b) Title to real property;										
17	(c) Voter registration card;										
18	(d) Utility bills;										
19	(e) Employment records or paychecks;										
20	(f) A document similar in nature to a document										
21	described in paragraph (a), (b), (c), (d), or (e); or										
22	(g) An identification card issued pursuant to s.										
23	322.051, or a license issued pursuant to this section, to the										
24	spouse of the applicant or to the parent or legal guardian of										
25	an applicant who is a minor.										
26											
27	The license shall state whether the applicant is a Florida										
28	resident. The department may adopt rules regulating the										
29	application for, or issuance of, licenses consistent with this										
30	section.										
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Florida House of Representatives - 1998 198-295-98

Section 3. Subsection (1) of section 790.065, Florida 1 2 Statutes, is amended to read: 3 790.065 Sale and delivery of firearms.--4 (1) No licensed importer, licensed manufacturer, or 5 licensed dealer shall sell or deliver from her or his б inventory at her or his licensed premises any firearm to 7 another person, other than a licensed importer, licensed 8 manufacturer, licensed dealer, or licensed collector, until 9 she or he has: 10 (a) Obtained a completed form from the potential buyer 11 or transferee, which form shall have been promulgated by the Department of Law Enforcement and provided by the licensed 12 13 importer, licensed manufacturer, or licensed dealer, which 14 shall include the name, date of birth, gender, race, and social security number or other identification number of such 15 16 potential buyer or transferee and has inspected proper identification including an identification containing a 17 photograph of the potential buyer or transferee. 18 19 (b) Determined that the potential buyer or transferee 20 of a handgun is a resident of this state, as evidenced by possession of a valid Florida driver's license or Florida 21 22 identification card, or other documentation recognized by Florida law as proof of residency. 23 24 (c) Collected a fee from the potential buyer for processing the criminal history check of the potential buyer. 25 26 The fee shall be \$8. The Department of Law Enforcement shall, 27 by rule, establish procedures for the fees to be transmitted 28 by the licensee to the Department of Law Enforcement. All such 29 fees shall be deposited into the Department of Law Enforcement Operating Trust Fund, but shall be segregated from all other 30 31 funds deposited into such trust fund and must be accounted for

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Florida House of Representatives - 1998 198-295-98

separately. Such segregated funds must not be used for any 1 2 purpose other than the operation of the criminal history 3 checks required by this section. The Department of Law Enforcement, each year prior to February 1, shall make a full 4 5 accounting of all receipts and expenditures of such funds to б the President of the Senate, the Speaker of the House of 7 Representatives, the majority and minority leaders of each 8 house of the Legislature, and the chairs of the appropriations committees of each house of the Legislature. In the event 9 that the cumulative amount of funds collected exceeds the 10 cumulative amount of expenditures by more than \$2.5 million, 11 12 excess funds may be used for the purpose of purchasing soft 13 body armor for law enforcement officers.

14 (d)(c) Requested, by means of a toll-free telephone 15 call, the Department of Law Enforcement to conduct a check of 16 the information as reported and reflected in the Florida Crime 17 Information Center and National Crime Information Center 18 systems as of the date of the request.

19 <u>(e)(d)</u> Received a unique approval number for that 20 inquiry from the Department of Law Enforcement, and recorded 21 the date and such number on the consent form.

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However, if the person purchasing, or receiving delivery of, 23 the firearm is a holder of a valid concealed weapons or 24 firearms license pursuant to the provisions of s. 790.06 or 25 26 holds an active certification from the Criminal Justice 27 Standards and Training Commission as a "law enforcement 28 officer," a "correctional officer," or a "correctional 29 probation officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), the provisions of this subsection do not 30 31 apply.

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Florida House of Representatives - 1998 CS/CS/HB 2037 198-295-98

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