

Bill No. HB 391  
Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Brown-Waite moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 1, line 10,		
15			
16	insert:		
17	Section 1. Subsection (14) of section 790.065, Florida		
18	Statutes, as created by section 1 of chapter 93-197, Laws of		
19	Florida, is amended to read:		
20	790.065 Sale and delivery of firearms.--		
21	(14) This section is repealed effective October 1,		
22	<u>2000 <del>1999</del>. Before the scheduled repeal, the Office of Program</u>		
23	<u>Policy Analysis and Government Accountability shall initiate a</u>		
24	<u>review of the program established by this section and its</u>		
25	<u>relationship with the federal firearms purchase criminal</u>		
26	<u>history check system to determine whether the program should</u>		
27	<u>be terminated, be modified, or continue unchanged.</u>		
28	<u>Recommendations based on that review shall be submitted to the</u>		
29	<u>Legislature and a copy submitted to the department no later</u>		
30	<u>than December 31, 1999.</u>		
31	Section 2. Subsection (1) of section 790.065, Florida		

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1 Statutes, 1998 Supplement, is amended to read:

2 790.065 Sale and delivery of firearms.--

3 (1) A licensed importer, licensed manufacturer, or  
4 licensed dealer may not sell or deliver from her or his  
5 inventory at her or his licensed premises any firearm to  
6 another person, other than a licensed importer, licensed  
7 manufacturer, licensed dealer, or licensed collector, until  
8 she or he has:

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

18 (b) Collected a fee from the potential buyer for  
19 processing the criminal history check of the potential buyer.  
20 The fee shall be established by the Department of Law  
21 Enforcement and may not exceed \$8 per transaction. The  
22 Department of Law Enforcement may reduce, or suspend  
23 collection of, the fee to reflect payment received from the  
24 Federal Government applied to the cost of maintaining the  
25 criminal history check system established by this section as a  
26 means of facilitating or supplementing the National Instant  
27 Criminal Background Check System.The Department of Law  
28 Enforcement shall, by rule, establish procedures for the fees  
29 to be transmitted by the licensee to the Department of Law  
30 Enforcement. All such fees shall be deposited into the  
31 Department of Law Enforcement Operating Trust Fund, but shall

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

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

21 (d) Received a unique approval number for that inquiry  
22 from the Department of Law Enforcement, and recorded the date  
23 and such number on the consent form.

24  
25 However, if the person purchasing, or receiving delivery of,  
26 the firearm is a holder of a valid concealed weapons or  
27 firearms license pursuant to the provisions of s. 790.06 or  
28 holds an active certification from the Criminal Justice  
29 Standards and Training Commission as a "law enforcement  
30 officer," a "correctional officer," or a "correctional  
31 probation officer" as defined in s. 943.10(1), (2), (3), (6),

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1 (7), (8), or (9), the provisions of this subsection do not  
2 apply.

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4 (Redesignate subsequent sections.)

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

8 And the title is amended as follows:

9 On page 1, lines 2 and 3, delete those lines

10

11 and insert:

12 An act relating to the Department of Law  
13 Enforcement; amending s. 790.065, F.S.,  
14 relating to the sale and delivery of firearms;  
15 postponing the expiration of that section;  
16 requiring a study and report by the Office of  
17 Program Policy Analysis and Government  
18 Accountability; providing for modification, or  
19 suspension of collection, of fees for criminal  
20 history checks; amending s. 943.053, F.S.;

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