

By the Committee on Criminal Justice; and Senator Hays

591-04442-11

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1 A bill to be entitled

2 An act relating to firearms transactions; amending s.  
3 790.065, F.S.; providing that certain laws of this  
4 state regulating firearms transactions do not apply to  
5 transactions by a resident of this state which take  
6 place in another state; repealing s. 790.28, F.S.,  
7 relating to the purchase of rifles and shotguns in  
8 contiguous states by a Florida resident; providing an  
9 effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Subsection (1) of section 790.065, Florida  
14 Statutes, is amended to read:

15 790.065 Sale and delivery of firearms.—

16 (1) (a) A licensed importer, licensed manufacturer, or  
17 licensed dealer may not sell or deliver from her or his  
18 inventory at her or his licensed premises any firearm to another  
19 person, other than a licensed importer, licensed manufacturer,  
20 licensed dealer, or licensed collector, until she or he has:

21 1.(a) Obtained a completed form from the potential buyer or  
22 transferee, which form shall have been promulgated by the  
23 Department of Law Enforcement and provided by the licensed  
24 importer, licensed manufacturer, or licensed dealer, which shall  
25 include the name, date of birth, gender, race, and social  
26 security number or other identification number of such potential  
27 buyer or transferee and has inspected proper identification  
28 including an identification containing a photograph of the  
29 potential buyer or transferee.

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30        2.~~(b)~~ Collected a fee from the potential buyer for  
31 processing the criminal history check of the potential buyer.  
32 The fee shall be established by the Department of Law  
33 Enforcement and may not exceed \$8 per transaction. The  
34 Department of Law Enforcement may reduce, or suspend collection  
35 of, the fee to reflect payment received from the Federal  
36 Government applied to the cost of maintaining the criminal  
37 history check system established by this section as a means of  
38 facilitating or supplementing the National Instant Criminal  
39 Background Check System. The Department of Law Enforcement  
40 shall, by rule, establish procedures for the fees to be  
41 transmitted by the licensee to the Department of Law  
42 Enforcement. All such fees shall be deposited into the  
43 Department of Law Enforcement Operating Trust Fund, but shall be  
44 segregated from all other funds deposited into such trust fund  
45 and must be accounted for separately. Such segregated funds must  
46 not be used for any purpose other than the operation of the  
47 criminal history checks required by this section. The Department  
48 of Law Enforcement, each year prior to February 1, shall make a  
49 full accounting of all receipts and expenditures of such funds  
50 to the President of the Senate, the Speaker of the House of  
51 Representatives, the majority and minority leaders of each house  
52 of the Legislature, and the chairs of the appropriations  
53 committees of each house of the Legislature. In the event that  
54 the cumulative amount of funds collected exceeds the cumulative  
55 amount of expenditures by more than \$2.5 million, excess funds  
56 may be used for the purpose of purchasing soft body armor for  
57 law enforcement officers.

58        3.~~(c)~~ Requested, by means of a toll-free telephone call,

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59 the Department of Law Enforcement to conduct a check of the  
60 information as reported and reflected in the Florida Crime  
61 Information Center and National Crime Information Center systems  
62 as of the date of the request.

63 4.~~(d)~~ Received a unique approval number for that inquiry  
64 from the Department of Law Enforcement, and recorded the date  
65 and such number on the consent form.

66 (b) ~~However,~~ If the person purchasing, or receiving  
67 delivery of, the firearm is a holder of a valid concealed  
68 weapons or firearms license pursuant to the provisions of s.  
69 790.06 or holds an active certification from the Criminal  
70 Justice Standards and Training Commission as a "law enforcement  
71 officer," a "correctional officer," or a "correctional probation  
72 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or  
73 (9), ~~the provisions of~~ this subsection does ~~de~~ not apply.

74 (c) This subsection does not apply to the purchase, trade,  
75 or transfer of rifles or shotguns by a resident of this state  
76 when the resident makes such purchase, trade, or transfer from a  
77 licensed importer, licensed manufacturer, or licensed dealer in  
78 another state.

79 Section 2. Section 790.28, Florida Statutes, is repealed.

80 Section 3. This act shall take effect upon becoming a law.