

By Senator Bracy

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1 A bill to be entitled
2 An act relating to firearm purchases; amending s.
3 790.065, F.S.; requiring the Department of Law
4 Enforcement to include questions concerning a
5 potential firearm buyer's criminal history or other
6 information relating to the person's eligibility to
7 make the purchase on a standard form for potential
8 buyers; requiring the department to notify law
9 enforcement officials when a potential sale or
10 transfer receives a nonapproval number; providing
11 requirements for such notice; providing an effective
12 date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (a) of subsection (1) of section
17 790.065, Florida Statutes, is amended to read:

18 790.065 Sale and delivery of firearms.—

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

24 1. Obtained a completed form from the potential buyer or
25 transferee, which form shall have been promulgated by the
26 Department of Law Enforcement and provided by the licensed
27 importer, licensed manufacturer, or licensed dealer, which shall
28 include the name, date of birth, gender, race, questions about
29 the buyer's criminal history and other information relating to

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30 the potential buyer or transferee's eligibility to purchase a
31 firearm, and social security number or other identification
32 number of such potential buyer or transferee and has inspected
33 proper identification including an identification containing a
34 photograph of the potential buyer or transferee.

35 a. In any case in which records reviewed pursuant to
36 subsection (2) indicate that the potential buyer or transferee
37 is prohibited from having in her or his care, custody,
38 possession, or control any firearm under state or federal law
39 and the potential transfer, sale, or purchase has received a
40 nonapproval number, the Department of Law Enforcement shall send
41 notification of such nonapproval to the correctional, law
42 enforcement, prosecutorial, and other criminal justice agencies
43 that have jurisdiction over the county where the attempted
44 transfer or purchase was made.

45 b. The Department of Law enforcement shall, for each
46 county, identify appropriate federal or state correctional, law
47 enforcement, prosecutorial, and other criminal justice agencies
48 to receive the notification described in sub-subparagraph a.

49 c. The notification described in sub-subparagraph a. shall
50 include the identity of the potential buyer or transferee, the
51 identity of the licensee who made the inquiry, the date and time
52 when a nonapproval number was issued, the prohibiting criteria
53 for the nonapproval, and the location where the attempted
54 purchase or transfer occurred.

55 d. The Department of Law Enforcement shall make the
56 notification described in sub-subparagraph a. within 1 week
57 after receipt of the notice of the nonapproval, and may
58 aggregate any notifications required to be issued by sub-

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59 subparagraph a. and issue them together within the required time
60 frame, except that a notification may be delayed for so long as
61 necessary to avoid compromising an ongoing investigation.

62 e. The Department of Law Enforcement may make the
63 notification required by sub-subparagraph a. in any form,
64 including, but not limited to, by oral or written communication
65 or by electronic means.

66 2. Collected a fee from the potential buyer for processing
67 the criminal history check of the potential buyer. The fee shall
68 be established by the Department of Law Enforcement and may not
69 exceed \$8 per transaction. The Department of Law Enforcement may
70 reduce, or suspend collection of, the fee to reflect payment
71 received from the Federal Government applied to the cost of
72 maintaining the criminal history check system established by
73 this section as a means of facilitating or supplementing the
74 National Instant Criminal Background Check System. The
75 Department of Law Enforcement shall, by rule, establish
76 procedures for the fees to be transmitted by the licensee to the
77 Department of Law Enforcement. All such fees shall be deposited
78 into the Department of Law Enforcement Operating Trust Fund, but
79 shall be segregated from all other funds deposited into such
80 trust fund and must be accounted for separately. Such segregated
81 funds must not be used for any purpose other than the operation
82 of the criminal history checks required by this section. The
83 Department of Law Enforcement, each year prior to February 1,
84 shall make a full accounting of all receipts and expenditures of
85 such funds to the President of the Senate, the Speaker of the
86 House of Representatives, the majority and minority leaders of
87 each house of the Legislature, and the chairs of the

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88 appropriations committees of each house of the Legislature. In
89 the event that the cumulative amount of funds collected exceeds
90 the cumulative amount of expenditures by more than \$2.5 million,
91 excess funds may be used for the purpose of purchasing soft body
92 armor for law enforcement officers.

93 3. Requested, by means of a toll-free telephone call, the
94 Department of Law Enforcement to conduct a check of the
95 information as reported and reflected in the Florida Crime
96 Information Center and National Crime Information Center systems
97 as of the date of the request.

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

101 Section 2. This act shall take effect upon becoming a law.