

By the Committee on Judiciary; and Senator Steube

590-01121-18

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1                   A bill to be entitled  
2       An act relating to the sale of firearms; amending s.  
3       790.065, F.S.; requiring Department of Law Enforcement  
4       procedures to allow the payment or transmittal of  
5       processing fees for criminal history checks of  
6       potential firearms buyers by electronic means;  
7       providing that criminal history check requests by  
8       licensed importers, manufacturers, and dealers to the  
9       department may be made by electronic means; providing  
10      an effective date.

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

13  
14       Section 1. Paragraph (a) of subsection (1) of section  
15       790.065, Florida Statutes, is amended to read:

16       790.065 Sale and delivery of firearms.—

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

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

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30 potential buyer or transferee.

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

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59 may be used for the purpose of purchasing soft body armor for  
60 law enforcement officers.

61 3. Requested, by means of a toll-free telephone call or  
62 other electronic means, the Department of Law Enforcement to  
63 conduct a check of the information as reported and reflected in  
64 the Florida Crime Information Center and National Crime  
65 Information Center systems as of the date of the request.

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

69 Section 2. This act shall take effect October 1, 2018.