

By Senator Bracy

11-00412-18

2018334__

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 on a standard form certain
5 questions concerning a potential firearm buyer's
6 criminal history or other information relating to the
7 person's eligibility to make the firearm purchase;
8 requiring the department to notify law enforcement
9 officials when a potential sale or transfer receives a
10 nonapproval number; providing requirements for such
11 notice; providing an effective date.

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

14
15 Section 1. Paragraph (a) of subsection (1) of section
16 790.065, Florida Statutes, is amended, and paragraph (a) of
17 subsection (4) and paragraphs (b) and (c) of subsection (12) are
18 republished, to read:

19 790.065 Sale and delivery of firearms.—

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

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

11-00412-18

2018334__

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

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

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

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

56 d. The Department of Law Enforcement shall make the
57 notification described in sub-subparagraph a. within 1 week
58 after receipt of the notice of the nonapproval, and may

11-00412-18

2018334__

59 aggregate any notifications required pursuant to sub-
60 subparagraph a. and issue them together within the required
61 timeframe, except that a notification may be delayed for as long
62 as necessary to avoid compromising an ongoing investigation.

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

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

11-00412-18

2018334__

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

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

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

102 (4) (a) Any records containing any of the information set
103 forth in subsection (1) pertaining to a buyer or transferee who
104 is not found to be prohibited from receipt or transfer of a
105 firearm by reason of Florida and federal law which records are
106 created by the Department of Law Enforcement to conduct the
107 criminal history record check shall be confidential and exempt
108 from the provisions of s. 119.07(1) and may not be disclosed by
109 the Department of Law Enforcement or any officer or employee
110 thereof to any person or to another agency. The Department of
111 Law Enforcement shall destroy any such records forthwith after
112 it communicates the approval and nonapproval numbers to the
113 licensee and, in any event, such records shall be destroyed
114 within 48 hours after the day of the response to the licensee's
115 request.

116 (12)

11-00412-18

2018334__

117 (b) Any licensed importer, licensed manufacturer, or
118 licensed dealer who violates the provisions of subsection (1)
119 commits a felony of the third degree punishable as provided in
120 s. 775.082 or s. 775.083.

121 (c) Any employee or agency of a licensed importer, licensed
122 manufacturer, or licensed dealer who violates the provisions of
123 subsection (1) commits a felony of the third degree punishable
124 as provided in s. 775.082 or s. 775.083.

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