

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Smith offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 674-733 and insert:

5 Section 11. Subsections (1), (3), and (10) of section  
6 790.065, Florida Statutes, are amended to read:

7 790.065 Sale and delivery of firearms.—

8 (1)(a) A licensed importer, licensed manufacturer, or  
9 licensed dealer may not sell or deliver from her or his  
10 inventory at her or his licensed premises any firearm to another  
11 person, other than a licensed importer, licensed manufacturer,  
12 licensed dealer, or licensed collector, until she or he has:

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

22           2. Collected a fee from the potential buyer for processing  
23 the criminal history check of the potential buyer. The fee shall  
24 be established by the Department of Law Enforcement and may not  
25 exceed \$8 per transaction. The Department of Law Enforcement may  
26 reduce, or suspend collection of, the fee to reflect payment  
27 received from the Federal Government applied to the cost of  
28 maintaining the criminal history check system established by  
29 this section as a means of facilitating or supplementing the  
30 National Instant Criminal Background Check System. The  
31 Department of Law Enforcement shall, by rule, establish  
32 procedures for the fees to be transmitted by the licensee to the  
33 Department of Law Enforcement. All such fees shall be deposited  
34 into the Department of Law Enforcement Operating Trust Fund, but  
35 shall be segregated from all other funds deposited into such  
36 trust fund and must be accounted for separately. Such segregated  
37 funds must not be used for any purpose other than the operation

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38 of the criminal history checks required by this section. The  
39 Department of Law Enforcement, each year before ~~prior to~~  
40 February 1, shall make a full accounting of all receipts and  
41 expenditures of such funds to the President of the Senate, the  
42 Speaker of the House of Representatives, the majority and  
43 minority leaders of each house of the Legislature, and the  
44 chairs of the appropriations committees of each house of the  
45 Legislature. In the event that the cumulative amount of funds  
46 collected exceeds the cumulative amount of expenditures by more  
47 than \$2.5 million, excess funds may be used for the purpose of  
48 purchasing soft body armor for law enforcement officers.

49 3. Requested, by means of a toll-free telephone call, the  
50 Department of Law Enforcement to conduct a check of the  
51 information as reported and reflected in the Florida Crime  
52 Information Center and National Crime Information Center systems  
53 as of the date of the request.

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

57 (b) However, if the person purchasing, or receiving  
58 delivery of, the firearm is a holder of a valid concealed  
59 weapons or firearms license pursuant to ~~the provisions of s.~~  
60 790.06 or holds an active certification from the Criminal  
61 Justice Standards and Training Commission as a "law enforcement  
62 officer," a "correctional officer," or a "correctional probation

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63 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or  
64 (9), this subsection does not apply.

65 (c) This subsection does not apply to the purchase, trade,  
66 or transfer of a rifle or shotgun by a resident of this state  
67 when the resident makes such purchase, trade, or transfer from a  
68 licensed importer, licensed manufacturer, or licensed dealer in  
69 another state.

70 (d)1. As used in this paragraph, the term:

71 a.(I) "Assault weapon" means any selective-fire firearm  
72 capable of fully automatic, semiautomatic or burst fire at the  
73 option of the user or any of the following specified  
74 semiautomatic firearms:

75 (A) All AK series, including, but not limited to, the  
76 following: AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90,  
77 NHM91, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47,  
78 and Vector Arms AK-47.

79 (B) All AR series, including, but not limited to, the  
80 following: AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and  
81 M15, Olympic Arms, AR70, DPMS Tactical Rifles, Smith & Wesson  
82 M&P15 Rifles, Colt AR-15, Rock River Arms LAR-15, and DoubleStar  
83 AR rifles.

84 (C) Algimec AGM1.

85 (D) Barrett 82A1 and REC7.

86 (E) Beretta AR-70 and Beretta Storm.

87 (F) Bushmaster Auto Rifle.

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- 88 | (G) Calico Liberty series.
- 89 | (H) Chartered Industries of Singapore SR-88.
- 90 | (I) Colt Sporter.
- 91 | (J) Daewoo K-1, K-2, Max-1, and Max 2.
- 92 | (K) FAMAS MAS 223.
- 93 | (L) Federal XC-900 and SC-450.
- 94 | (M) Fabrique National FN/FAL, FN/LAR, or FNC.
- 95 | (N) FNH PS90, SCAR, and FS2000.
- 96 | (O) Goncz High Tech Carbine.
- 97 | (P) Hi-Point Carbine.
- 98 | (Q) HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.
- 99 | (R) Kel-Tec Sub-2000, SU series, RFB.
- 100 | (S) M1 Carbine.
- 101 | (T) SAR-8, SAR-4800, SR9;
- 102 | (U) SIG 57 AMT and 500 Series.
- 103 | (V) Sig Sauer MCX Rifle.
- 104 | (W) SKS capable of accepting a detachable magazine.
- 105 | (X) SLG 95.
- 106 | (Y) SLR 95 or 96.
- 107 | (Z) Spectre Auto Carbine.
- 108 | (AA) Springfield Armory BM59, SAR-48, and G-3.
- 109 | (BB) Sterling MK-6 and MK-7.
- 110 | (CC) Steyr AUG.
- 111 | (DD) Sturm Ruger Mini-14 with folding stock.
- 112 | (EE) TNW M230, M2HB.

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- 113 (FF) Thompson types, including Thompson T5.
- 114 (GG) UZI, Galil and UZI Sporter, Galil Sporter, Galil
- 115 Sniper Rifle (Galatz), or Vector Arms UZI.
- 116 (HH) Weaver Arms Nighthawk.
- 117 (II) All of the following handguns, copies, duplicates, or
- 118 altered facsimiles with the capability of any such weapon
- 119 thereof:
- 120 (A) AK-47 pistol, Mini AK-47 pistol.
- 121 (B) AR-15 pistol.
- 122 (C) Australian Automatic Arms SAP pistol.
- 123 (D) Bushmaster Auto Pistol.
- 124 (E) Calico Liberty series pistols.
- 125 (F) Encom MK-IV, MP-9, and MP-45.
- 126 (G) Feather AT-9 and Mini-AT.
- 127 (H) Goncz High Tech Long pistol.
- 128 (I) Holmes MP-83.
- 129 (J) Iver Johnson Enforcer.
- 130 (K) MAC-10, MAC-11, Masterpiece Arms MPA pistol series,
- 131 and Velocity Arms VMA series.
- 132 (L) Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.
- 133 (M) UZI pistol, Micro-UZI pistol.
- 134 (N) Colefire Magnum.
- 135 (O) Scarab Skorpion.
- 136 (P) Spectre Auto pistol.
- 137 (Q) German Sport 522 PK.

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- 138        (R) Chiappa Firearms Mfour-22.
- 139        (S) DSA SA58 PKP FAL.
- 140        (T) I.O. Inc. PPS-43C.
- 141        (U) Kel-Tec PLR-16 pistol.
- 142        (V) Sig Sauer P556 pistol.
- 143        (W) Thompson TA5 series pistols.
- 144        (X) Wilkinson "Linda" pistol.
- 145        (III) All of the following shotguns, copies, duplicates,  
146 or altered facsimiles with the capability of any such weapon  
147 thereof:
- 148            (A) Armscor 30 BG.
- 149            (B) Franchi SPAS-12 and Law-12.
- 150            (C) Remington TAC-2 or TACB3 FS.
- 151            (D) SPAS 12 or LAW 12.
- 152            (E) Striker 12.
- 153            (F) Streetsweeper.
- 154            (G) Saiga.
- 155            (H) USAS-12.
- 156            (I) Kel-tec KSG.
- 157        (IV) A part or combination of parts that convert a firearm  
158 into an assault weapon or any combination of parts from which an  
159 assault weapon may be assembled if those parts are in the  
160 possession or under the control of the same person;
- 161        (V) Any semiautomatic firearm not listed in sub-sub-  
162 subparagraphs (I)-(IV) that meets the following criteria:

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- 163        (A) A semiautomatic rifle that has an ability to accept a  
164 detachable magazine and has one or more of the following:
- 165        i. A folding or telescoping stock;
  - 166        ii. A pistol grip that protrudes conspicuously beneath the  
167 action of the weapon or any feature functioning as a protruding  
168 grip that can be held by the non-trigger hand or a thumbhole  
169 stock;
  - 170        iii. A bayonet mount;
  - 171        iv. A flash suppressor or threaded barrel designed to  
172 accommodate a flash suppressor;
  - 173        v. A grenade launcher;
  - 174        vi. A shroud attached to the barrel, or that partially or  
175 completely encircles the barrel allowing the bearer to hold the  
176 firearm with the non-trigger hand without being burned, but  
177 excluding a slide that encloses the barrel; or
- 178        (B) A semiautomatic pistol that has an ability to accept a  
179 detachable magazine and has one or more of the following:
- 180        i. The capacity to accept an ammunition magazine that  
181 attaches to the pistol at any location outside of the pistol  
182 grip;
  - 183        ii. A threaded barrel capable of accepting a barrel  
184 extender, flash suppressor, forward handgrip, or silencer;
  - 185        iii. A slide that encloses the barrel and that permits the  
186 shooter to hold the firearm with the non-trigger hand without  
187 being burned;

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- 188 iv. A manufactured weight of 50 ounces or more when the  
189 pistol is unloaded;
- 190 v A semiautomatic version of an automatic firearm;
- 191 vi Any feature capable of functioning as a protruding grip  
192 that can be held by the non-trigger hand;
- 193 vii. A folding, telescoping, or thumbhole stock; or  
194 (C) A semiautomatic shotgun that has one or more of the  
195 following:
- 196 i. A folding or telescoping stock;
- 197 ii. A pistol grip that protrudes conspicuously beneath the  
198 action of the weapon;
- 199 iii. A thumbhole stock;
- 200 iv. A fixed magazine capacity in excess of 5 rounds;
- 201 v. An ability to accept a detachable magazine; or  
202 (D) Any semiautomatic pistol or any semiautomatic,  
203 centerfire, or rimfire rifle with a fixed magazine that has the  
204 capacity to accept more than 10 rounds of ammunition; or  
205 (E) A part or combination of parts designed or intended to  
206 convert a firearm into an assault weapon or any combination of  
207 parts from which an assault weapon may be assembled if those  
208 parts are in the possession or under the control of the same  
209 person.
- 210 b. "Detachable magazine" means an ammunition feeding  
211 device that can be removed from a firearm without disassembly of  
212 the firearm action.

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213 c. "Fixed magazine" means an ammunition feeding device  
214 contained in, or permanently attached to, a firearm in such a  
215 manner that the device cannot be removed without disassembly of  
216 the firearm action.

217 d. "Large-capacity magazine" means any ammunition feeding  
218 device with the capacity to accept more than 7 rounds, or any  
219 conversion kit, part, or combination of parts from which such a  
220 device can be assembled if those parts are in the possession or  
221 under the control of the same person, but does not include any  
222 of the following:

223 (I) A feeding device that has been permanently altered so  
224 that it cannot accommodate more than 7 rounds;

225 (II) A .22 caliber tube ammunition feeding device; or

226 (III) A tubular magazine that is contained in a lever-  
227 action firearm.

228 e "Licensed gun dealer" means a person who has a federal  
229 firearms license.

230 2. If neither party to a prospective sale, lease, or  
231 transfer of an assault weapon or large-capacity magazine is a  
232 licensed dealer, the parties to the transaction must complete  
233 the sale, lease, or transfer through a licensed dealer as  
234 follows:

235 a. The seller, lessor, or transferor must deliver the  
236 assault weapon or large-capacity magazine to a licensed dealer,  
237 who shall process the sale, lease, or transfer as if she or he

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238 were the seller, lessor, or transferor, except that the seller,  
239 lessor, or transferor who is not a licensed dealer may remove  
240 the assault weapon or large-capacity magazine from the business  
241 premises of the licensed dealer while the background check is  
242 being conducted and while the waiting period requirement set  
243 forth in s. 790.0655 is being met. Other than allowing the  
244 unlicensed seller or transferor to remove the assault weapon or  
245 large-capacity magazine from the licensed dealer's business  
246 premises, the licensed dealer shall comply with all requirements  
247 of federal and state law which would apply if she or he were the  
248 seller, lessor, or transferor of the firearm;

249 b. The licensed dealer shall conduct a background check on  
250 the buyer or other transferee as provided in this section and,  
251 unless the transaction is prohibited, and after all other legal  
252 requirements are met, including those set forth in s. 790.0655,  
253 the licensed dealer shall either:

254 (I) Deliver the assault weapon or large-capacity magazine  
255 to the seller, lessor, or transferor, who shall complete the  
256 transaction and deliver the assault weapon or large-capacity  
257 magazine to the buyer; or

258 (II) If the seller, lessor, or transferor has removed the  
259 assault weapon or large-capacity magazine from the licensed  
260 dealer's business premises, contact the seller, lessor, or  
261 transferor to let her or him know that he or she may complete

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262 the transaction and deliver the assault weapon or large-capacity  
263 magazine to the buyer;

264 c. If the licensed dealer cannot legally complete the  
265 transaction, the dealer must:

266 (I) Return the assault weapon or large-capacity magazine  
267 to the seller, lessor, or transferor; or

268 (II) If the seller, lessor, or transferor has removed the  
269 assault weapon or large-capacity magazine from the licensed  
270 dealer's business premises, contact the seller, lessor, or  
271 transferor to let her or him know that the transaction is  
272 prohibited, and that the seller, lessor, or transferor may not  
273 deliver the assault weapon or large-capacity magazine to the  
274 buyer; and

275 d. The licensed dealer may require the buyer or other  
276 transferee to pay a fee covering the administrative costs  
277 incurred by the licensed dealer for facilitating the transfer of  
278 the assault weapon or large-capacity magazine, plus applicable  
279 fees pursuant to federal and state law.

280 3. This paragraph does not apply to:

281 a. The activities of the United States Marshals Service,  
282 members of the United States Armed Forces or the National Guard,  
283 or federal officials required to carry firearms while engaged in  
284 performing their official duties; or

285 b. The following activities, unless the lawful owner knows  
286 or has reasonable cause to believe that federal, state, or local

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287 law prohibits the transferee from purchasing or possessing  
288 firearms, or that the transferee is likely to use the assault  
289 weapon or large-capacity magazine for unlawful purposes:

290 (I) The delivery of an assault weapon or large-capacity  
291 magazine to a gunsmith for service or repair, or the return of  
292 the firearm to its owner by the gunsmith;

293 (II) The transfer of an assault weapon or large-capacity  
294 magazine to a carrier, warehouseman, or other person engaged in  
295 the business of transportation or storage, to the extent that  
296 the receipt, possession, or having on or about the person any  
297 assault weapon or large-capacity magazine is in the ordinary  
298 course of business and in conformity with federal, state, and  
299 local laws, and not for the personal use of any such person;

300 (III) The loan of an assault weapon or large-capacity  
301 magazine solely for the purpose of shooting at targets, if the  
302 loan occurs on the premises of a properly licensed target  
303 facility and if the assault weapon or large-capacity magazine is  
304 at all times kept within the premises of the target facility;

305 (IV) The loan of an assault weapon or large-capacity  
306 magazine to a person who is under 18 years of age for lawful  
307 hunting, sporting, or educational purposes while under the  
308 direct supervision and control of a responsible adult;

309 (V) The loan of an assault weapon or large-capacity  
310 magazine to a person who is 18 years of age or older if the  
311 assault weapon or large-capacity magazine remains in the

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312 person's possession only while the person is accompanying the  
313 lawful owner and using the assault weapon or large-capacity  
314 magazine for lawful hunting, sporting, or recreational purposes;  
315 or

316 (VI) The loan of an assault weapon or large-capacity  
317 magazine to an adult family member of the lawful owner of the  
318 assault weapon or large-capacity magazine if the lawful owner  
319 resides with the family member but is not present in the  
320 residence, provided that the family member does not maintain  
321 control over the assault weapon or large-capacity magazine for  
322 more than 10 consecutive days.

323 ~~(3) In the event of scheduled computer downtime,~~  
324 ~~electronic failure, or similar emergency beyond the control of~~  
325 ~~the Department of Law Enforcement, the department shall~~  
326 ~~immediately notify the licensee of the reason for, and estimated~~  
327 ~~length of, such delay. After such notification, the department~~  
328 ~~shall forthwith, and in no event later than the end of the next~~  
329 ~~business day of the licensee, either inform the requesting~~  
330 ~~licensee if its records demonstrate that the buyer or transferee~~  
331 ~~is prohibited from receipt or possession of a firearm pursuant~~  
332 ~~to Florida and Federal law or provide the licensee with a unique~~  
333 ~~approval number. Unless notified by the end of said next~~  
334 ~~business day that the buyer or transferee is so prohibited, and~~  
335 ~~without regard to whether she or he has received a unique~~  
336 ~~approval number, the licensee may complete the sale or transfer~~

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337 ~~and shall not be deemed in violation of this section with~~  
338 ~~respect to such sale or transfer.~~

339 ~~(10) A licensed importer, licensed manufacturer, or~~  
340 ~~licensed dealer is not required to comply with the requirements~~  
341 ~~of this section in the event of:~~

342 ~~(a) Unavailability of telephone service at the licensed~~  
343 ~~premises due to the failure of the entity which provides~~  
344 ~~telephone service in the state, region, or other geographical~~  
345 ~~area in which the licensee is located to provide telephone~~  
346 ~~service to the premises of the licensee due to the location of~~  
347 ~~said premises; or the interruption of telephone service by~~  
348 ~~reason of hurricane, tornado, flood, natural disaster, or other~~  
349 ~~act of God, war, invasion, insurrection, riot, or other bona~~  
350 ~~fide emergency, or other reason beyond the control of the~~  
351 ~~licensee; or~~

352 ~~(b) Failure of the Department of Law Enforcement to comply~~  
353 ~~with the requirements of subsections (2) and (3).~~

354 Section 12. Paragraph (a) of subsection (1) of section  
355 790.0655, Florida Statutes, is amended to read:

356 790.0655 Purchase and delivery of firearms or large-  
357 capacity magazines ~~handguns~~; mandatory waiting period;  
358 exceptions; penalties.-

359 (1)(a) There shall be a mandatory 3-day waiting period,  
360 which shall be 3 days, excluding weekends and legal holidays,  
361 between the purchase and the delivery at retail, or the delivery

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362 through a private sale facilitated through a licensed dealer  
363 under s. 790.065(1)(d), of any firearm handgun or large-capacity  
364 magazine. "Purchase" means the transfer of money or other  
365 valuable consideration to the retailer. ~~"Handgun" means a~~  
366 ~~firearm capable of being carried and used by one hand, such as a~~  
367 ~~pistol or revolver.~~ "Retailer" means and includes every person  
368 engaged in the business of making sales at retail or for  
369 distribution, or use, or consumption, or storage to be used or  
370 consumed in this state, as defined in s. 212.02(13). As used in  
371 this section, the term "large-capacity magazine" has the same  
372 meanings as provided in s. 790.065.

373 (b) Records of firearm and large-capacity magazine handgun  
374 sales must be available for inspection by any law enforcement  
375 agency, as defined in s. 934.02, during normal business hours.

376 (2) The 3-day waiting period shall not apply in the  
377 following circumstances:

378 (a) When a firearm or large-capacity magazine handgun is  
379 being purchased by a holder of a concealed weapons permit as  
380 defined in s. 790.06.

381 (b) To a trade-in of another firearm or large-capacity  
382 magazine handgun.

383 (c) For the purchase of a rifle or shotgun, upon  
384 successfully completing a hunter safety course and possessing a  
385 hunter safety certification card issued under s. 379.3581. A  
386 person who is exempt from the hunter safety course requirement

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387 under s. 379.3581 and holds a valid Florida hunting license as  
388 of March 1, 2018, is exempt from the 3-day waiting period under  
389 this section for purchase of a rifle or shotgun.

390 (d) When a rifle or shotgun is being purchased by a law  
391 enforcement officer or correctional officer, as defined in s.  
392 943.10, or a person on active duty in the Armed Forces of the  
393 United States or full-time duty in the National Guard.

394 (3) It is a felony of the third degree, punishable as  
395 provided in s. 775.082, s. 775.083, or s. 775.084:

396 (a) For any retailer, or any employee or agent of a  
397 retailer, to deliver a firearm or large-capacity magazine  
398 ~~handgun~~ before the expiration of the 3-day waiting period,  
399 subject to the exceptions provided in subsection (2).

400 (b) For a purchaser to obtain delivery of a firearm or  
401 large-capacity magazine handgun by fraud, false pretense, or  
402 false representation.

403 Section 13. Section 790.223, Florida Statutes, is created  
404 to read:

405 790.223 Online sales of assault weapons and large-capacity  
406 magazines.-A person may not buy, sell, trade or otherwise  
407 transfer ownership or possession of an assault weapon or large-  
408 capacity magazine, as those terms are defined in s. 790.065, via  
409 the Internet or other online means. A person who violates this  
410 section commits a felony of the third degree, punishable as  
411 provided in s. 775.082, s. 775.083, or s. 775.084.

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412 Section 14. Paragraph (e) of subsection (3) of section  
413 790.335, Florida Statutes, is amended to read:

414 790.335 Prohibition of registration of firearms;  
415 electronic records.—

416 (3) EXCEPTIONS.—The provisions of this section shall not  
417 apply to:

418 (e)1. Records kept pursuant to the recordkeeping  
419 provisions of s. 790.065; however, nothing in this section shall  
420 be construed to authorize the public release or inspection of  
421 records that are made confidential and exempt from the  
422 provisions of s. 119.07(1) by s. 790.065(3)(a) ~~s. 790.065(4)(a)~~.

423 2. Nothing in this paragraph shall be construed to allow  
424 the maintaining of records containing the names of purchasers or  
425 transferees who receive unique approval numbers or the  
426 maintaining of records of firearm transactions.

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**T I T L E A M E N D M E N T**

429 Remove lines 64-79 and insert:  
430 petition for simultaneous relief; amending s. 790.065,  
431 F.S.; providing definitions; requiring that the parties, if  
432 neither party to a sale, lease, or transfer of an assault  
433 weapon or large-capacity magazine is a licensed dealer,  
434 complete the sale, lease, or transfer through a licensed  
435 dealer; specifying procedures and requirements for a  
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437 licensed dealer, a seller, lessor, or transferor, and a  
438 buyer, lessee, or transferee; authorizing a licensed dealer  
439 to charge a buyer or transferee specified fees; providing  
440 applicability; deleting provisions authorizing a licensee  
441 to complete the sale or transfer of a firearm to a person  
442 without receiving notification from the Department of Law  
443 Enforcement informing the licensee as to whether such  
444 person is prohibited from receipt or possession of an  
445 assault weapon or large-capacity magazine or providing a  
446 unique approval number under certain circumstances;  
447 deleting provisions exempting a licensed importer, licensed  
448 manufacturer, or licensed dealer from the sale and delivery  
449 requirements, under certain circumstances; amending s.  
450 790.0655, F.S.; requiring a specified waiting period  
451 between the purchase and delivery at retail of any firearm  
452 or large-capacity magazine; providing exceptions; revising  
453 terminology; creating s. 790.223, F.S.; prohibiting online  
454 sales of assault weapons or large-capacity magazines;  
455 providing penalties;

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