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LEGISLATIVE ACTION

Senate

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House

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Floor: 11/F/2R

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03/03/2018 03:09 PM

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Senator Taddeo moved the following:

1 **Senate Amendment to Amendment (234288) (with title**
2 **amendment)**

3
4 Delete lines 364 - 367

5 and insert:

6 Section 10. Present subsection (13) of section 790.065,
7 Florida Statutes, is redesignated as subsection (14), a new
8 subsection (13) is added to that section, and paragraph (c) of
9 subsection (2) of that section is amended, to read:

10 790.065 Sale and delivery of firearms.—

11 (2) Upon receipt of a request for a criminal history record



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12 check, the Department of Law Enforcement shall, during the
13 licensee's call or by return call, forthwith:

14 (c)1. Review any records available to it to determine
15 whether the potential buyer or transferee has been indicted or
16 has had an information filed against her or him for an offense
17 that is a felony under either state or federal law, or, as
18 mandated by federal law, has had an injunction for protection
19 against domestic violence entered against the potential buyer or
20 transferee under s. 741.30, has had an injunction for protection
21 against repeat violence entered against the potential buyer or
22 transferee under s. 784.046, or has been arrested for a
23 dangerous crime as specified in s. 907.041(4)(a) or for any of
24 the following enumerated offenses:

- 25 a. Criminal anarchy under ss. 876.01 and 876.02.
- 26 b. Extortion under s. 836.05.
- 27 c. Explosives violations under s. 552.22(1) and (2).
- 28 d. Controlled substances violations under chapter 893.
- 29 e. Resisting an officer with violence under s. 843.01.
- 30 f. Weapons and firearms violations under this chapter.
- 31 g. Treason under s. 876.32.
- 32 h. Assisting self-murder under s. 782.08.
- 33 i. Sabotage under s. 876.38.
- 34 j. Stalking or aggravated stalking under s. 784.048.

35
36 If the review indicates any such indictment, information, or
37 arrest, the department shall provide to the licensee a
38 conditional nonapproval number.

39 2. Within 24 working hours, the department shall determine
40 the disposition of the indictment, information, or arrest and



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41 inform the licensee as to whether the potential buyer is
42 prohibited from receiving or possessing a firearm. For purposes
43 of this paragraph, "working hours" means the hours from 8 a.m.
44 to 5 p.m. Monday through Friday, excluding legal holidays.

45 3. The office of the clerk of court, at no charge to the
46 department, shall respond to any department request for data on
47 the disposition of the indictment, information, or arrest as
48 soon as possible, but in no event later than 8 working hours.

49 4. The department shall determine as quickly as possible
50 within the allotted time period whether the potential buyer is
51 prohibited from receiving or possessing a firearm.

52 5. If the potential buyer is not so prohibited, or if the
53 department cannot determine the disposition information within
54 the allotted time period, the department shall provide the
55 licensee with a conditional approval number.

56 6. If the buyer is so prohibited, the conditional
57 nonapproval number shall become a nonapproval number and the
58 department must notify by telephone or by electronic means,
59 followed by written notice, the appropriate sheriff's office and
60 the local law enforcement agency and identify the potential
61 buyer who is prohibited from receiving or possessing a firearm.

62 7. The department shall continue its attempts to obtain the
63 disposition information and may retain a record of all approval
64 numbers granted without sufficient disposition information. If
65 the department later obtains disposition information which
66 indicates:

67 a. That the potential buyer is not prohibited from owning a
68 firearm, it shall treat the record of the transaction in
69 accordance with this section; or



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70 b. That the potential buyer is prohibited from owning a
71 firearm, it shall immediately revoke the conditional approval
72 number and notify local law enforcement.

73 8. During the time that disposition of the indictment,
74 information, or arrest is pending and until the department is
75 notified by the potential buyer that there has been a final
76 disposition of the indictment, information, or arrest, the
77 conditional nonapproval number shall remain in effect.

78
79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete line 2434

82 and insert:

83 F.S.; requiring the Department of Law Enforcement to
84 notify, by telephone or by electronic means, and in
85 writing, the appropriate sheriff's office and local
86 law enforcement agency and identify potential buyers
87 who are prohibited from receiving or possessing a
88 firearm; prohibiting a person younger than a certain
89 age