

By Senator Book

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1                   A bill to be entitled  
2       An act relating to firearms; creating s. 397.6753,  
3       F.S.; authorizing a law enforcement officer acting in  
4       accordance with certain provisions to serve and  
5       execute a court order on any day and at any time;  
6       authorizing a law enforcement officer acting in  
7       accordance with certain provisions to use reasonable  
8       physical force to gain entry to the premises or any  
9       dwelling on such premises and take custody of the  
10      person who is the subject of the court order;  
11      requiring that a law enforcement officer who has  
12      received certain training be assigned to serve and  
13      execute the court order, when practicable; authorizing  
14      a law enforcement officer taking custody of the person  
15      who is the subject of the court order to seize and  
16      hold the person's firearms and ammunition under  
17      certain circumstances; authorizing a law enforcement  
18      officer who takes custody of the person who is the  
19      subject of the court order to seek the voluntary  
20      surrender of firearms and ammunition under certain  
21      circumstances; authorizing a law enforcement officer  
22      to petition a court for a risk protection order under  
23      certain circumstances; requiring that firearms or  
24      ammunition seized or surrendered be made available for  
25      return within a certain timeframe and under specified  
26      circumstances; prohibiting the process for the return  
27      of such firearms or ammunition to take longer than a  
28      certain timeframe; requiring law enforcement agencies  
29      to develop specified policies and procedures; amending

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30 s. 744.3215, F.S.; authorizing a court to remove the  
31 right to purchase, own, sell, or possess firearms or  
32 ammunition or to possess a license to carry concealed  
33 weapons or firearms of a person found to be  
34 incapacitated; requiring a guardian or an agent to  
35 file an inventory of the incapacitated person's  
36 firearms and ammunition with the court if this right  
37 is removed; requiring the guardian or agent to place  
38 the firearms and ammunition in the custody of a local  
39 law enforcement agency or petition the court for an  
40 alternative storage arrangement outside of the  
41 incapacitated person's control; requiring a law  
42 enforcement agency to accept such firearms and  
43 ammunition; authorizing the law enforcement agency to  
44 charge a reasonable storage fee; providing for the  
45 disposal, donation, transfer, or sale of such firearms  
46 and ammunition through court petition and after a  
47 specified notice under certain circumstances;  
48 requiring a court hearing if there is an objection to  
49 the disposal, donation, transfer, or sale; amending s.  
50 790.064, F.S.; requiring the Department of Law  
51 Enforcement, in certain cases, to investigate  
52 individuals upon whom a firearm disability is imposed  
53 on or after a certain date and, if the individuals are  
54 in possession of firearms or ammunition, to seize the  
55 firearms and ammunition by following specified  
56 procedures; amending s. 790.065, F.S.; redefining the  
57 term "committed to a mental institution"; authorizing  
58 a judge or magistrate, when reviewing a petition for

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59 involuntary treatment, to refer a case to the  
60 department to investigate, in certain cases,  
61 individuals upon whom a firearm disability is imposed  
62 on or after a certain date and, if the individuals are  
63 in possession of any firearms or ammunition, to seize  
64 the firearms and ammunition by following specified  
65 procedures; requiring the Department of Children and  
66 Families, the Agency for Health Care Administration,  
67 and the Department of Law Enforcement to enforce  
68 certain reporting provisions; requiring all licensed  
69 mental health and substance abuse service providers to  
70 comply with certain provisions by a specified date;  
71 providing penalties for violations; conforming  
72 provisions to changes made by the act; providing an  
73 effective date.

74

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

76

77 Section 1. Section 397.6753, Florida Statutes, is created  
78 to read:

79 397.6753 Ability of law enforcement to seize firearms.-

80 (1) If a law enforcement officer is acting in accordance  
81 with the involuntary admissions procedures of this chapter or a  
82 related court order, he or she may:

83 (a) Serve and execute such order on any day of the week, at  
84 any time of the day or night; and

85 (b) Use reasonable physical force to gain entry to the  
86 premises or any dwellings, buildings, or other structures  
87 located on the premises and take custody of the person who is

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88 the subject of the court order. When practicable, a law  
89 enforcement officer who has received crisis intervention team  
90 training shall be assigned to serve and execute the order.

91 (2) A law enforcement officer taking custody of a person  
92 under subsection (1) may seize and hold a firearm or any  
93 ammunition the person possesses at the time of taking him or her  
94 into custody if the person poses a potential danger to himself  
95 or herself or others and has made a credible threat of violence  
96 against himself or herself or others.

97 (3) If the law enforcement officer takes custody of the  
98 person at the person's residence and the criteria in subsection  
99 (2) have been met, the law enforcement officer may seek the  
100 voluntary surrender of firearms or ammunition kept in the  
101 residence which have not already been seized under subsection  
102 (2). If such firearms or ammunition are not voluntarily  
103 surrendered, or if the person has other firearms or ammunition  
104 that were not seized or voluntarily surrendered when he or she  
105 was taken into custody, a law enforcement officer may petition  
106 the appropriate court under s. 790.401 for a risk protection  
107 order to remove the person's firearms and ammunition.

108 (4) Firearms or ammunition seized or voluntarily  
109 surrendered pursuant to this section must be made available for  
110 return no later than 24 hours after the person taken into  
111 custody can demonstrate that he or she is no longer subject to  
112 involuntary treatment and has been released or discharged from  
113 any treatment provided, unless a risk protection order entered  
114 under s. 790.401 directs the law enforcement agency to hold the  
115 firearms or ammunition for a longer period, the person is  
116 subject to a firearm purchase disability under s. 790.065(2), or

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117 a firearm possession and firearm ownership disability under s.  
118 790.064 applies. The process for the actual return of firearms  
119 or ammunition seized or voluntarily surrendered under this  
120 section may not take longer than 7 days, and law enforcement  
121 agencies must develop policies and procedures relating to the  
122 seizure, storage, and return of firearms or ammunition held  
123 under this section.

124 Section 2. Subsection (2) of section 744.3215, Florida  
125 Statutes, is amended to read:

126 744.3215 Rights of persons determined incapacitated.—

127 (2) Rights that may be removed from a person by an order  
128 determining incapacity but not delegated to a guardian include  
129 the right:

130 (a) To marry. If the right to enter into a contract has  
131 been removed, the right to marry is subject to court approval.

132 (b) To vote.

133 (c) To personally apply for government benefits.

134 (d) To have a driver license.

135 (e) To travel.

136 (f) To seek or retain employment.

137 (g)1. To purchase, own, sell, or possess firearms or  
138 ammunition or to possess a license to carry concealed weapons or  
139 firearms. If this right is removed, the incapacitated person's  
140 guardian, or the agent under a power of attorney if there is no  
141 guardianship, must file an inventory of the incapacitated  
142 person's firearms and ammunition with the court and either place  
143 the firearms and ammunition in the custody of a local law  
144 enforcement agency in the county where the incapacitated person  
145 resides or where the guardianship is being administered, or

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146 petition the court for alternative storage of such firearms and  
147 ammunition outside of the incapacitated person's control. This  
148 alternative storage entity must be able to legally possess  
149 firearms and ammunition, and the guardian or the agent must  
150 disclose to the court whether the entity will charge a  
151 reasonable storage fee.

152 2. A law enforcement agency must accept such firearms and  
153 ammunition and may charge a reasonable storage fee. If, after 5  
154 years, the incapacitated person has not successfully had his or  
155 her rights under subparagraph 1. restored, the law enforcement  
156 agency or the alternative storage entity may, after notifying  
157 the incapacitated person and his or her guardian or agent in  
158 writing at least 5 days in advance, petition the court to  
159 dispose of, donate, transfer, or sell the incapacitated person's  
160 firearms and ammunition to a person or entity legally able to  
161 possess firearms and ammunition. However, if the incapacitated  
162 person or his or her guardian or agent files a written objection  
163 with the court, the court must hold a hearing to determine  
164 whether there is good cause for the continued storage of the  
165 incapacitated person's firearms and ammunition.

166 Section 3. Subsections (1) and (2) of section 790.064,  
167 Florida Statutes, are amended to read:

168 790.064 Firearm possession and firearm ownership  
169 disability.—

170 (1) A person who has been adjudicated mentally defective or  
171 who has been committed to a mental institution or a substance  
172 abuse treatment provider, as those terms are defined in s.  
173 790.065(2), may not own a firearm or possess a firearm until  
174 relief from the firearm possession and firearm ownership

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175 disability is obtained.

176 (2) The firearm possession and firearm ownership disability  
177 runs concurrently with the firearm purchase disability provided  
178 in s. 790.065(2). If the Department of Law Enforcement has  
179 reason to believe that an individual upon whom any type of  
180 firearm disability is imposed on or after July 1, 2020,  
181 possesses any firearms or ammunition, the department shall  
182 investigate and seize any such firearms and ammunition pursuant  
183 to the procedures in s. 790.401.

184 Section 4. Section 790.065, Florida Statutes, is amended to  
185 read:

186 790.065 Sale, ~~and~~ delivery, and possession of firearms.—

187 (1) (a) A licensed importer, licensed manufacturer, or  
188 licensed dealer may not sell or deliver from her or his  
189 inventory at her or his licensed premises any firearm to another  
190 person, other than a licensed importer, licensed manufacturer,  
191 licensed dealer, or licensed collector, until she or he has:

192 1. Obtained a completed form from the potential buyer or  
193 transferee, which form shall have been adopted ~~promulgated~~ by  
194 the Department of Law Enforcement and provided by the licensed  
195 importer, licensed manufacturer, or licensed dealer, which shall  
196 include the name, date of birth, gender, race, and social  
197 security number or other identification number of such potential  
198 buyer or transferee and has inspected proper identification  
199 including an identification containing a photograph of the  
200 potential buyer or transferee.

201 2. Collected a fee from the potential buyer for processing  
202 the criminal history check of the potential buyer. The fee shall  
203 be established by the Department of Law Enforcement and may not

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204 exceed \$8 per transaction. The Department of Law Enforcement may  
205 reduce, or suspend collection of, the fee to reflect payment  
206 received from the Federal Government applied to the cost of  
207 maintaining the criminal history check system established by  
208 this section as a means of facilitating or supplementing the  
209 National Instant Criminal Background Check System. The  
210 Department of Law Enforcement shall, by rule, establish  
211 procedures for the fees to be transmitted by the licensee to the  
212 Department of Law Enforcement. Such procedures must provide that  
213 fees may be paid or transmitted by electronic means, including,  
214 but not limited to, debit cards, credit cards, or electronic  
215 funds transfers. All such fees shall be deposited into the  
216 Department of Law Enforcement Operating Trust Fund, but shall be  
217 segregated from all other funds deposited into such trust fund  
218 and must be accounted for separately. Such segregated funds must  
219 not be used for any purpose other than the operation of the  
220 criminal history checks required by this section. The Department  
221 of Law Enforcement, each year before February 1, shall make a  
222 full accounting of all receipts and expenditures of such funds  
223 to the President of the Senate, the Speaker of the House of  
224 Representatives, the majority and minority leaders of each house  
225 of the Legislature, and the chairs of the appropriations  
226 committees of each house of the Legislature. In the event that  
227 the cumulative amount of funds collected exceeds the cumulative  
228 amount of expenditures by more than \$2.5 million, excess funds  
229 may be used for the purpose of purchasing soft body armor for  
230 law enforcement officers.

231 3. Requested, by means of a toll-free telephone call or  
232 other electronic means, the Department of Law Enforcement to



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233 conduct a check of the information as reported and reflected in  
234 the Florida Crime Information Center and National Crime  
235 Information Center systems as of the date of the request.

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

239 (b) However, if the person purchasing, or receiving  
240 delivery of, the firearm is a holder of a valid concealed  
241 weapons or firearms license pursuant to ~~the provisions of~~ s.  
242 790.06 or holds an active certification from the Criminal  
243 Justice Standards and Training Commission as a "law enforcement  
244 officer," a "correctional officer," or a "correctional probation  
245 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or  
246 (9), this subsection does not apply.

247 (c) This subsection does not apply to the purchase, trade,  
248 or transfer of a rifle or shotgun by a resident of this state  
249 when the resident makes such purchase, trade, or transfer from a  
250 licensed importer, licensed manufacturer, or licensed dealer in  
251 another state.

252 (2) Upon receipt of a request for a criminal history record  
253 check, the Department of Law Enforcement shall, during the  
254 licensee's call or by return call, forthwith:

255 (a) Review any records available to determine if the  
256 potential buyer or transferee:

257 1. Has been convicted of a felony and is prohibited from  
258 receipt or possession of a firearm pursuant to s. 790.23;

259 2. Has been convicted of a misdemeanor crime of domestic  
260 violence, and therefore is prohibited from purchasing a firearm;

261 3. Has had adjudication of guilt withheld or imposition of

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262 sentence suspended on any felony or misdemeanor crime of  
263 domestic violence unless 3 years have elapsed since probation or  
264 any other conditions set by the court have been fulfilled or  
265 expunction has occurred; or

266 4. Has been adjudicated mentally defective or has been  
267 committed to a mental institution or a substance abuse treatment  
268 provider by a court or as provided in sub-sub-subparagraph  
269 b.(II), and as a result is prohibited by state or federal law  
270 from purchasing or possessing a firearm.

271 a. As used in this subparagraph, "adjudicated mentally  
272 defective" means a determination by a court that a person, as a  
273 result of marked subnormal intelligence, or mental illness,  
274 incompetency, condition, or disease, is a danger to himself or  
275 herself or to others or lacks the mental capacity to contract or  
276 manage his or her own affairs. The phrase includes a judicial  
277 finding of incapacity under s. 744.331(6)(a), an acquittal by  
278 reason of insanity of a person charged with a criminal offense,  
279 and a judicial finding that a criminal defendant is not  
280 competent to stand trial.

281 b. As used in this subparagraph, "committed to a mental  
282 institution or a substance abuse treatment provider" means:

283 (I) Involuntary commitment, commitment for mental  
284 defectiveness or mental illness, and commitment for substance  
285 abuse. The phrase includes involuntary inpatient placement as  
286 defined in s. 394.467, involuntary outpatient placement as  
287 defined in s. 394.4655, ~~involuntary assessment and stabilization~~  
288 ~~under s. 397.6818,~~ and involuntary substance abuse treatment  
289 under s. 397.6957, but does not include a person in a mental  
290 institution or a substance abuse treatment provider for

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291 observation or discharged from a mental institution or a  
292 substance abuse treatment provider based upon the initial review  
293 by the physician or a voluntary admission to a mental  
294 institution or a substance abuse treatment provider; or

295 (II) Notwithstanding sub-sub-subparagraph (I), voluntary  
296 admission to a substance abuse treatment facility under s.  
297 397.601 or a mental institution for outpatient or inpatient  
298 treatment of a person who had an involuntary examination under  
299 s. 394.463 or s. 397.6957, where each of the following  
300 conditions has ~~have~~ been met:

301 (A) An examining physician or the treatment facility  
302 administrator found that the person is an imminent danger to  
303 himself or herself or others.

304 (B) The examining physician or the treatment facility  
305 administrator certified that if the person did not agree to  
306 voluntary treatment, a petition for involuntary ~~outpatient or~~  
307 ~~inpatient~~ treatment would have been filed under s.  
308 394.463(2)(g)4. or s. 397.693; or an involuntary, ~~or the~~  
309 ~~examining physician certified that a~~ petition was filed and the  
310 person subsequently agreed to voluntary treatment prior to a  
311 court hearing on the petition.

312 (C) Before agreeing to voluntary treatment, the person  
313 received written notice of that finding and certification, and  
314 written notice that as a result of such finding, he or she may  
315 be prohibited from purchasing or possessing a firearm, and may  
316 not be eligible to apply for or retain a concealed weapons  
317 ~~weapon~~ or firearms license under s. 790.06 and the person signed  
318 or otherwise acknowledged such notice in writing, in  
319 substantially the following form:

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320

321 "I understand that the doctor who examined me believes I am a  
322 danger to myself or to others. I understand that if I do not  
323 agree to voluntary treatment, a petition will be filed in court  
324 to require me to receive involuntary treatment. I understand  
325 that if that petition is filed, I have the right to contest it.  
326 In the event a petition has been filed, I understand that I can  
327 subsequently agree to voluntary treatment prior to a court  
328 hearing. I understand that by agreeing to voluntary treatment in  
329 either of these situations, I may be prohibited from buying,  
330 selling, or possessing firearms and from applying for or  
331 retaining a concealed weapons or firearms license until I apply  
332 for and receive relief from that restriction under Florida law."

333

334 (D) A judge or a magistrate has, pursuant to sub-sub-  
335 subparagraph c.(II), reviewed the record of the finding,  
336 certification, notice, and written acknowledgment classifying  
337 the person as an imminent danger to himself or herself or  
338 others, and ordered that such record be submitted to the  
339 department. When reviewing the petition, the judge or magistrate  
340 may also refer the case to the department, and if it has reason  
341 to believe that an individual upon whom any type of firearm  
342 disability is imposed on or after July 1, 2020, possesses any  
343 firearms or ammunition, the department shall investigate and  
344 seize any such firearms and ammunition pursuant to the  
345 procedures in s. 790.401.

346

347 c. In order to check for these conditions, the department  
348 shall compile and maintain an automated database of persons who  
are prohibited from purchasing or possessing a firearm based on

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349 court records of adjudications of mental defectiveness or  
350 commitments to mental institutions or substance abuse treatment  
351 providers. The Department of Children and Families, the Agency  
352 for Health Care Administration, and the Department of Law  
353 Enforcement shall enforce the reporting provisions of this  
354 section, and all licensed mental health and substance abuse  
355 service providers shall fully comply with this section by  
356 January 1, 2021. If, on or after that date, either department or  
357 the agency finds that a provider is not in compliance with the  
358 reporting provisions, it may impose a \$100,000 fine for the  
359 first offense and a \$250,000 fine for the second offense and may  
360 suspend the provider's license for the third offense.

361 (I) Except as provided in sub-sub-subparagraph (II), clerks  
362 of court shall submit these records to the department within 1  
363 month after the rendition of the adjudication or commitment.  
364 Reports shall be submitted in an automated format. The reports  
365 must, at a minimum, include the name, along with any known alias  
366 or former name, the sex, and the date of birth of the subject.

367 (II) For persons committed to a mental institution or a  
368 substance abuse treatment provider pursuant to sub-sub-  
369 subparagraph b. (II), within 24 hours after the person's  
370 agreement to voluntary admission, a record of the finding,  
371 certification, notice, and written acknowledgment must be filed  
372 by the administrator of the receiving facility or treatment  
373 facility, as defined in s. 394.455 or s. 397.311, with the clerk  
374 of the court for the county in which the involuntary examination  
375 under s. 394.463 or s. 397.6957 occurred. No fee shall be  
376 charged for the filing under this sub-sub-subparagraph. The  
377 clerk must present the records to a judge or magistrate within

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378 24 hours after receipt of the records. A judge or magistrate is  
379 required and has the lawful authority to review the records ex  
380 parte and, if the judge or magistrate determines that the record  
381 supports the classifying of the person as an imminent danger to  
382 himself or herself or others, to order that the record be  
383 submitted to the department. If a judge or magistrate orders the  
384 submittal of the record to the department, the record must be  
385 submitted to the department within 24 hours.

386 d. A person who has been adjudicated mentally defective or  
387 committed to a mental institution or a substance abuse treatment  
388 provider, as those terms are defined in this paragraph, may  
389 petition the court that made the adjudication or commitment, or  
390 the court that ordered that the record be submitted to the  
391 department pursuant to sub-sub-subparagraph c.(II), for relief  
392 from the firearm disabilities or seizure imposed by such  
393 adjudication or commitment. A copy of the petition shall be  
394 served on the state attorney for the county in which the person  
395 was adjudicated or committed. The state attorney may object to  
396 and present evidence relevant to the relief sought by the  
397 petition. The hearing on the petition may be open or closed as  
398 the petitioner may choose. The petitioner may present evidence  
399 and subpoena witnesses to appear at the hearing on the petition.  
400 The petitioner may confront and cross-examine witnesses called  
401 by the state attorney. A record of the hearing shall be made by  
402 a certified court reporter or by court-approved electronic  
403 means. The court shall make written findings of fact and  
404 conclusions of law on the issues before it and issue a final  
405 order. The court shall grant the relief requested in the  
406 petition if the court finds, based on the evidence presented

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407 with respect to the petitioner's reputation, the petitioner's  
408 mental health record and, if applicable, criminal history  
409 record, the circumstances surrounding the firearm disability or  
410 seizure, and any other evidence in the record, that the  
411 petitioner will not be likely to act in a manner that is  
412 dangerous to public safety and that granting the relief would  
413 not be contrary to the public interest. If the final order  
414 denies relief, the petitioner may not petition again for relief  
415 from firearm disabilities or seizure until 1 year after the date  
416 of the final order. The petitioner may seek judicial review of a  
417 final order denying relief in the district court of appeal  
418 having jurisdiction over the court that issued the order. The  
419 review shall be conducted de novo. Relief from a firearm  
420 disability or seizure granted under this sub-subparagraph has no  
421 effect on the loss of civil rights, including firearm rights,  
422 for any reason other than the particular adjudication of mental  
423 defectiveness or commitment to a mental institution from which  
424 relief is granted.

425 e. Upon receipt of proper notice of relief from firearm  
426 disabilities or seizure granted under sub-subparagraph d., the  
427 department shall delete any mental health record of the person  
428 granted relief from the automated database of persons who are  
429 prohibited from purchasing or possessing a firearm based on  
430 court records of adjudications of mental defectiveness or  
431 commitments to mental institutions.

432 f. The department is authorized to disclose data collected  
433 pursuant to this subparagraph to agencies of the Federal  
434 Government and other states for use exclusively in determining  
435 the lawfulness of a firearm sale or transfer. The department is

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436 also authorized to disclose this data to the Department of  
437 Agriculture and Consumer Services for purposes of determining  
438 eligibility for issuance of a concealed weapons or concealed  
439 firearms license and for determining whether a basis exists for  
440 revoking or suspending a previously issued license pursuant to  
441 s. 790.06(10). When a potential buyer or transferee appeals a  
442 nonapproval based on these records, the clerks of court and  
443 mental institutions shall, upon request by the department,  
444 provide information to help determine whether the potential  
445 buyer or transferee is the same person as the subject of the  
446 record. Photographs and any other data that could confirm or  
447 negate identity must be made available to the department for  
448 such purposes, notwithstanding any other ~~provision of~~ state law  
449 to the contrary. Any such information that is made confidential  
450 or exempt from disclosure by law shall retain such confidential  
451 or exempt status when transferred to the department.

452 (b) Inform the licensee making the inquiry ~~either~~ that  
453 either records demonstrate that the buyer or transferee is so  
454 prohibited and provide the licensee a nonapproval number, or  
455 provide the licensee with a unique approval number.

456 (c)1. Review any records available to it to determine  
457 whether the potential buyer or transferee has been indicted or  
458 has had an information filed against her or him for an offense  
459 that is a felony under either state or federal law, or, as  
460 mandated by federal law, has had an injunction for protection  
461 against domestic violence entered against the potential buyer or  
462 transferee under s. 741.30, has had an injunction for protection  
463 against repeat violence entered against the potential buyer or  
464 transferee under s. 784.046, or has been arrested for a



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465 dangerous crime as specified in s. 907.041(4)(a) or for any of  
466 the following enumerated offenses:

- 467 a. Criminal anarchy under ss. 876.01 and 876.02.
- 468 b. Extortion under s. 836.05.
- 469 c. Explosives violations under s. 552.22(1) and (2).
- 470 d. Controlled substances violations under chapter 893.
- 471 e. Resisting an officer with violence under s. 843.01.
- 472 f. Weapons and firearms violations under this chapter.
- 473 g. Treason under s. 876.32.
- 474 h. Assisting self-murder under s. 782.08.
- 475 i. Sabotage under s. 876.38.
- 476 j. Stalking or aggravated stalking under s. 784.048.

477

478 If the review indicates any such indictment, information, or  
479 arrest, the department shall provide to the licensee a  
480 conditional nonapproval number.

481 2. Within 24 working hours, the department shall determine  
482 the disposition of the indictment, information, or arrest and  
483 inform the licensee as to whether the potential buyer is  
484 prohibited from receiving or possessing a firearm. For purposes  
485 of this paragraph, "working hours" means the hours from 8 a.m.  
486 to 5 p.m. Monday through Friday, excluding legal holidays.

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

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

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494           5. If the potential buyer is not so prohibited, or if the  
495 department cannot determine the disposition information within  
496 the allotted time period, the department shall provide the  
497 licensee with a conditional approval number.

498           6. If the buyer is so prohibited, the conditional  
499 nonapproval number shall become a nonapproval number.

500           7. The department shall continue its attempts to obtain the  
501 disposition information and may retain a record of all approval  
502 numbers granted without sufficient disposition information. If  
503 the department later obtains disposition information that ~~which~~  
504 indicates:

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

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

511           8. During the time that disposition of the indictment,  
512 information, or arrest is pending and until the department is  
513 notified by the potential buyer that there has been a final  
514 disposition of the indictment, information, or arrest, the  
515 conditional nonapproval number shall remain in effect.

516           (3) In the event of scheduled computer downtime, electronic  
517 failure, or similar emergency beyond the control of the  
518 Department of Law Enforcement, the department shall immediately  
519 notify the licensee of the reason for, and estimated length of,  
520 such delay. After such notification, the department shall  
521 forthwith, and in no event later than the end of the next  
522 business day of the licensee, either inform the requesting

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523 licensee if its records demonstrate that the buyer or transferee  
524 is prohibited from receipt or possession of a firearm pursuant  
525 to Florida and federal law or provide the licensee with a unique  
526 approval number. Unless notified by the end of the ~~said~~ next  
527 business day that the buyer or transferee is so prohibited, and  
528 without regard to whether she or he has received a unique  
529 approval number, the licensee may complete the sale or transfer  
530 and shall not be deemed in violation of this section with  
531 respect to such sale or transfer.

532 (4) (a) Any records containing any of the information set  
533 forth in subsection (1) pertaining to a buyer or transferee who  
534 is not found to be prohibited from receipt or transfer of a  
535 firearm by reason of Florida and federal law which records are  
536 created by the Department of Law Enforcement to conduct the  
537 criminal history record check shall be confidential and exempt  
538 from ~~the provisions of~~ s. 119.07(1) and may not be disclosed by  
539 the Department of Law Enforcement or any officer or employee  
540 thereof to any person or to another agency. The Department of  
541 Law Enforcement shall destroy any such records forthwith after  
542 it communicates the approval and nonapproval numbers to the  
543 licensee and, in any event, such records shall be destroyed  
544 within 48 hours after the day of the response to the licensee's  
545 request.

546 (b) Notwithstanding ~~the provisions of~~ this subsection, the  
547 Department of Law Enforcement may maintain records of NCIC  
548 transactions to the extent required by the Federal Government,  
549 and may maintain a log of dates of requests for criminal history  
550 records checks, unique approval and nonapproval numbers, license  
551 identification numbers, and transaction numbers corresponding to

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552 such dates for a period of not longer than 2 years or as  
553 otherwise required by law.

554 (c) ~~Nothing in~~ This chapter may not ~~shall~~ be construed to  
555 allow the State of Florida to maintain records containing the  
556 names of purchasers or transferees who receive unique approval  
557 numbers or to maintain records of firearm transactions.

558 (d) Any officer or employee, or former officer or employee,  
559 of the Department of Law Enforcement or law enforcement agency  
560 who intentionally and maliciously violates ~~the provisions of~~  
561 this subsection commits a felony of the third degree, punishable  
562 as provided in s. 775.082 or s. 775.083.

563 (5) The Department of Law Enforcement shall establish a  
564 toll-free telephone number that ~~which~~ shall be operational 7  
565 days a week with the exception of Christmas Day and New Year's  
566 Day, for a period of 12 hours a day beginning at 9 a.m. and  
567 ending at 9 p.m., for purposes of responding to inquiries as  
568 described in this section from licensed manufacturers, licensed  
569 importers, and licensed dealers. The Department of Law  
570 Enforcement shall employ and train such personnel as are  
571 necessary expeditiously to administer ~~the provisions of~~ this  
572 section.

573 (6) Any person who is denied the right to receive or  
574 purchase a firearm as a result of the procedures established by  
575 this section may request a criminal history records review and  
576 correction in accordance with the rules adopted ~~promulgated~~ by  
577 the Department of Law Enforcement.

578 (7) It is ~~shall be~~ unlawful for any licensed dealer,  
579 licensed manufacturer, or licensed importer willfully and  
580 intentionally to request criminal history record information

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581 under false pretenses, or willfully and intentionally to  
582 disseminate criminal history record information to any person  
583 other than the subject of such information. Any person convicted  
584 of a violation of this subsection commits a felony of the third  
585 degree, punishable as provided in s. 775.082 or s. 775.083.

586 (8) The Department of Law Enforcement shall adopt  
587 ~~promulgate~~ regulations to ensure the identity, confidentiality,  
588 and security of all records and data provided pursuant to this  
589 section.

590 (9) This section shall become effective at such time as the  
591 Department of Law Enforcement has notified all licensed  
592 importers, licensed manufacturers, and licensed dealers in  
593 writing that the procedures and toll-free number described in  
594 this section are operational. This section shall remain in  
595 effect only during such times as the procedures described in  
596 subsection (2) remain operational.

597 (10) A licensed importer, licensed manufacturer, or  
598 licensed dealer is not required to comply with the requirements  
599 of this section in the event of:

600 (a) Unavailability of telephone service at the licensed  
601 premises due to the failure of the entity that ~~which~~ provides  
602 telephone service in the state, region, or other geographical  
603 area in which the licensee is located to provide telephone  
604 service to the premises of the licensee due to the location of  
605 said premises; or the interruption of telephone service by  
606 reason of hurricane, tornado, flood, natural disaster, or other  
607 act of God, war, invasion, insurrection, riot, or other bona  
608 fide emergency, or other reason beyond the control of the  
609 licensee; or

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610 (b) Failure of the Department of Law Enforcement to comply  
611 with the requirements of subsections (2) and (3).

612 (11) Compliance with ~~the provisions of~~ this chapter shall  
613 be a complete defense to any claim or cause of action under the  
614 laws of any state for liability for damages arising from the  
615 importation or manufacture, or the subsequent sale or transfer  
616 to any person who has been convicted in any court of a crime  
617 punishable by imprisonment for a term exceeding 1 year, of any  
618 firearm that ~~which~~ has been shipped or transported in interstate  
619 or foreign commerce. The Department of Law Enforcement, its  
620 agents, and employees shall not be liable for any claim or cause  
621 of action under the laws of any state for liability for damages  
622 arising from its actions in lawful compliance with this section.

623 (12) (a) Any potential buyer or transferee who willfully and  
624 knowingly provides false information or false or fraudulent  
625 identification commits a felony of the third degree, punishable  
626 as provided in s. 775.082 or s. 775.083.

627 (b) Any licensed importer, licensed manufacturer, or  
628 licensed dealer who violates ~~the provisions of~~ subsection (1)  
629 commits a felony of the third degree, punishable as provided in  
630 s. 775.082 or s. 775.083.

631 (c) Any employee or agency of a licensed importer, licensed  
632 manufacturer, or licensed dealer who violates ~~the provisions of~~  
633 subsection (1) commits a felony of the third degree, punishable  
634 as provided in s. 775.082 or s. 775.083.

635 (d) Any person who knowingly acquires a firearm through  
636 purchase or transfer intended for the use of a person who is  
637 prohibited by state or federal law from possessing or receiving  
638 a firearm commits a felony of the third degree, punishable as

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639 provided in s. 775.082 or s. 775.083.

640 (13) A person younger than 21 years of age may not purchase  
641 a firearm. The sale or transfer of a firearm to a person younger  
642 than 21 years of age may not be made or facilitated by a  
643 licensed importer, licensed manufacturer, or licensed dealer. A  
644 person who violates this subsection commits a felony of the  
645 third degree, punishable as provided in s. 775.082, s. 775.083,  
646 or s. 775.084. The prohibitions of this subsection do not apply  
647 to the purchase of a rifle or shotgun by a law enforcement  
648 officer or correctional officer, as those terms are defined in  
649 s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a  
650 servicemember as defined in s. 250.01.

651 (14) This section does not apply to employees of sheriff's  
652 offices, municipal police departments, correctional facilities  
653 or agencies, or other criminal justice or governmental agencies  
654 when the purchases or transfers are made on behalf of an  
655 employing agency for official law enforcement purposes.

656 Section 5. This act shall take effect July 1, 2020.