

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 certain court order on any day and at any
6 time; 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 located on such premises and to take custody
10 of the person who is the subject of such court order;
11 requiring that a law enforcement officer who has
12 received specified 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 such court order to seize and
16 hold the person's firearms or ammunition or license to
17 carry a concealed weapon or firearm under certain
18 circumstances; authorizing a law enforcement officer
19 who takes custody of a person who is the subject of
20 such court order to seek the voluntary surrender of
21 firearms or ammunition or license to carry a concealed
22 weapon or firearm under certain circumstances;
23 authorizing a law enforcement officer to petition a
24 court for a risk protection order under certain
25 circumstances; requiring that firearms or ammunition
26 or a license to carry a concealed weapon or firearm
27 seized or surrendered be made available for return
28 within a certain timeframe and under specified
29 circumstances; prohibiting the process for the return

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

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59 firearms or ammunition or license to carry a concealed
60 weapon or firearm by following specified procedures;
61 amending s. 790.065, F.S.; renaming the term
62 "committed to a mental institution" to "committed to a
63 mental institution or a substance abuse treatment
64 provider" and revising the definition; authorizing a
65 judge or magistrate, when reviewing a petition for
66 involuntary treatment, to refer a case to the
67 department to investigate, in certain cases,
68 individuals upon whom a firearm disability is imposed
69 on or after a certain date and, if the individuals are
70 in possession of any firearms or ammunition or a
71 license to carry a concealed weapon or firearm, to
72 seize the firearms or ammunition or license to carry a
73 concealed weapon or firearm by following specified
74 procedures; requiring the Department of Children and
75 Families, the Agency for Health Care Administration,
76 and the Department of Law Enforcement to enforce
77 certain reporting provisions; requiring all licensed
78 mental health and substance abuse service providers to
79 comply with certain provisions by a specified date;
80 providing penalties for violations; conforming
81 provisions to changes made by the act; providing an
82 effective date.

83

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

85

86 Section 1. Section 397.6753, Florida Statutes, is created
87 to read:

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88 397.6753 Ability of law enforcement to seize firearms,
89 ammunition, and license to carry concealed weapons or firearms.-

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

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

95 (b) Use reasonable physical force to gain entry to the
96 premises or any dwellings, buildings, or other structures
97 located on the premises and to take custody of the person who is
98 the subject of such court order. When practicable, a law
99 enforcement officer who has received crisis intervention team
100 training shall be assigned to serve and execute the court order.

101 (2) A law enforcement officer taking custody of a person
102 under subsection (1) may seize and hold any firearm or
103 ammunition or license to carry a concealed weapon or firearm the
104 person possesses at the time such person is taken into custody
105 if the person poses a potential danger to himself or herself or
106 others and has made a credible threat of violence against
107 himself or herself or others.

108 (3) If the law enforcement officer takes custody of the
109 person at the person's residence and the criteria in subsection
110 (2) are met, the law enforcement officer may seek the voluntary
111 surrender of any firearms or ammunition or license to carry a
112 concealed weapon or firearm kept in the residence which have not
113 already been seized under subsection (2). If such firearms or
114 ammunition or license to carry a concealed weapon or firearm are
115 not voluntarily surrendered, or if the person has other firearms
116 or ammunition or a license to carry a concealed weapon or

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117 firearm which were not seized or voluntarily surrendered when he
118 or she was taken into custody, a law enforcement officer may
119 petition the appropriate court under s. 790.401 for a risk
120 protection order to remove the person's firearms or ammunition
121 or license to carry a concealed weapon or firearm.

122 (4) Firearms or ammunition or a license to carry a
123 concealed weapon or firearm which are seized or voluntarily
124 surrendered pursuant to this section must be made available for
125 return no later than 24 hours after the person who is taken into
126 custody demonstrates that he or she is no longer subject to
127 involuntary treatment and has been released or discharged from
128 any treatment provided, unless a risk protection order entered
129 under s. 790.401 directs the law enforcement agency to hold the
130 firearms or ammunition or license to carry a concealed weapon or
131 firearm for a longer period, the person is subject to a firearm
132 purchase disability under s. 790.065(2), or a firearm possession
133 and firearm ownership disability under s. 790.064 applies. The
134 process for the actual return of any firearms or ammunition or
135 license to carry a concealed weapon or firearm seized or
136 voluntarily surrendered under this section may not exceed 7
137 days, and law enforcement agencies must develop policies and
138 procedures relating to the seizure, storage, and return of items
139 held under this section.

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

142 744.3215 Rights of persons determined incapacitated.—

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

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

148 (b) To vote.

149 (c) To personally apply for government benefits.

150 (d) To have a driver license.

151 (e) To travel.

152 (f) To seek or retain employment.

153 (g)1. To purchase, own, sell, or possess firearms or
154 ammunition or to possess a license to carry concealed weapons or
155 firearms. If this right is removed, the incapacitated person's
156 guardian, or the agent under a power of attorney if there is no
157 guardianship, must file an inventory of the incapacitated
158 person's firearms or ammunition with the court and either place
159 the firearms and ammunition in the custody of a local law
160 enforcement agency in the county where the incapacitated person
161 resides or where the guardianship is being administered, or
162 petition the court for alternative storage of such firearms and
163 ammunition outside the incapacitated person's control. This
164 alternative storage entity must be able to legally possess
165 firearms and ammunition, and the guardian or the agent must
166 disclose to the court whether such entity will charge a
167 reasonable storage fee.

168 2. A law enforcement agency must accept such firearms or
169 ammunition and may charge a reasonable storage fee. If the
170 incapacitated person has not successfully had his or her rights
171 under subparagraph 1. restored after 5 years, the law
172 enforcement agency or the alternative storage entity may, after
173 notifying the incapacitated person and his or her guardian or
174 agent in writing at least 5 days in advance, petition the court

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175 to dispose of, donate, transfer, or sell the incapacitated
176 person's firearms or ammunition to a person or an entity legally
177 able to possess firearms and ammunition. However, if the
178 incapacitated person or his or her guardian or agent files a
179 written objection with the court, the court must hold a hearing
180 to determine whether there is good cause for the continued
181 storage of the incapacitated person's firearms or ammunition.

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

184 790.064 Firearm possession and firearm ownership
185 disability.-

186 (1) A person who has been adjudicated mentally defective or
187 who has been committed to a mental institution or a substance
188 abuse treatment provider, as those terms are defined in s.
189 790.065(2), may not own a firearm or possess a firearm until
190 relief from the firearm possession and firearm ownership
191 disability is obtained.

192 (2) The firearm possession and firearm ownership disability
193 runs concurrently with the firearm purchase disability provided
194 in s. 790.065(2). If the Department of Law Enforcement has
195 reason to believe that an individual upon whom any type of
196 firearm disability is imposed on or after July 1, 2021,
197 possesses any firearms or ammunition or a license to carry a
198 concealed weapon or firearm, the department shall investigate
199 and seize any such firearms or ammunition or license to carry a
200 concealed weapon or firearm pursuant to the procedures in s.
201 790.401.

202 Section 4. Section 790.065, Florida Statutes, is amended to
203 read:

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204 790.065 Sale, and delivery, and possession of firearms.-

205 (1)(a) A licensed importer, licensed manufacturer, or
206 licensed dealer may not sell or deliver from her or his
207 inventory at her or his licensed premises any firearm to another
208 person, other than a licensed importer, licensed manufacturer,
209 licensed dealer, or licensed collector, until she or he has:

210 1. Obtained a completed form from the potential buyer or
211 transferee, which form shall have been adopted ~~promulgated~~ by
212 the Department of Law Enforcement and provided by the licensed
213 importer, licensed manufacturer, or licensed dealer, which shall
214 include the name, date of birth, gender, race, and social
215 security number or other identification number of such potential
216 buyer or transferee and has inspected proper identification
217 including an identification containing a photograph of the
218 potential buyer or transferee.

219 2. Collected a fee from the potential buyer for processing
220 the criminal history check of the potential buyer. The fee shall
221 be established by the Department of Law Enforcement and may not
222 exceed \$8 per transaction. The Department of Law Enforcement may
223 reduce, or suspend collection of, the fee to reflect payment
224 received from the Federal Government applied to the cost of
225 maintaining the criminal history check system established by
226 this section as a means of facilitating or supplementing the
227 National Instant Criminal Background Check System. The
228 Department of Law Enforcement shall, by rule, establish
229 procedures for the fees to be transmitted by the licensee to the
230 Department of Law Enforcement. Such procedures must provide that
231 fees may be paid or transmitted by electronic means, including,
232 but not limited to, debit cards, credit cards, or electronic

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233 funds transfers. All such fees shall be deposited into the
234 Department of Law Enforcement Operating Trust Fund, but shall be
235 segregated from all other funds deposited into such trust fund
236 and must be accounted for separately. Such segregated funds must
237 not be used for any purpose other than the operation of the
238 criminal history checks required by this section. The Department
239 of Law Enforcement, each year before February 1, shall make a
240 full accounting of all receipts and expenditures of such funds
241 to the President of the Senate, the Speaker of the House of
242 Representatives, the majority and minority leaders of each house
243 of the Legislature, and the chairs of the appropriations
244 committees of each house of the Legislature. In the event that
245 the cumulative amount of funds collected exceeds the cumulative
246 amount of expenditures by more than \$2.5 million, excess funds
247 may be used for the purpose of purchasing soft body armor for
248 law enforcement officers.

249 3. Requested, by means of a toll-free telephone call or
250 other electronic means, the Department of Law Enforcement to
251 conduct a check of the information as reported and reflected in
252 the Florida Crime Information Center and National Crime
253 Information Center systems as of the date of the request.

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

257 (b) However, if the person purchasing, or receiving
258 delivery of, the firearm is a holder of a valid concealed
259 weapons or firearms license pursuant to ~~the provisions of s.~~
260 790.06 or holds an active certification from the Criminal
261 Justice Standards and Training Commission as a "law enforcement

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262 officer," a "correctional officer," or a "correctional probation
263 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or
264 (9), this subsection does not apply.

265 (c) This subsection does not apply to the purchase, trade,
266 or transfer of a rifle or shotgun by a resident of this state
267 when the resident makes such purchase, trade, or transfer from a
268 licensed importer, licensed manufacturer, or licensed dealer in
269 another state.

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

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

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

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

279 3. Has had adjudication of guilt withheld or imposition of
280 sentence suspended on any felony or misdemeanor crime of
281 domestic violence unless 3 years have elapsed since probation or
282 any other conditions set by the court have been fulfilled or
283 expunction has occurred; or

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

289 a. As used in this subparagraph, "adjudicated mentally
290 defective" means a determination by a court that a person, as a

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291 result of marked subnormal intelligence, or mental illness,
292 incompetency, condition, or disease, is a danger to himself or
293 herself or to others or lacks the mental capacity to contract or
294 manage his or her own affairs. The phrase includes a judicial
295 finding of incapacity under s. 744.331(6)(a), an acquittal by
296 reason of insanity of a person charged with a criminal offense,
297 and a judicial finding that a criminal defendant is not
298 competent to stand trial.

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

301 (I) Involuntary commitment, commitment for mental
302 defectiveness or mental illness, and commitment for substance
303 abuse. The phrase includes involuntary inpatient placement as
304 defined in s. 394.467, involuntary outpatient placement as
305 defined in s. 394.4655, ~~involuntary assessment and stabilization~~
306 ~~under s. 397.6818~~, and involuntary substance abuse treatment
307 under s. 397.6957, but does not include a person in a mental
308 institution or at a substance abuse treatment provider for
309 observation or discharged from a mental institution or a
310 substance abuse treatment provider based upon the initial review
311 by the physician or a voluntary admission to a mental
312 institution or a substance abuse treatment provider; or

313 (II) Notwithstanding sub-sub-subparagraph (I), voluntary
314 admission to a substance abuse treatment facility under s.
315 397.601 or a mental institution for outpatient or inpatient
316 treatment of a person who had an involuntary examination under
317 s. 394.463 or s. 397.6957, where each of the following
318 conditions has ~~have~~ been met:

319 (A) An examining physician or the treatment facility

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320 administrator found that the person is an imminent danger to
321 himself or herself or others.

322 (B) The examining physician or the treatment facility
323 administrator certified that if the person did not agree to
324 voluntary treatment, a petition for involuntary ~~outpatient or~~
325 ~~inpatient~~ treatment would have been filed under s.
326 394.463(2)(g)4. or s. 397.693; or an involuntary, ~~or the~~
327 ~~examining physician certified that a petition was filed and the~~
328 person subsequently agreed to voluntary treatment prior to a
329 court hearing on the petition.

330 (C) Before agreeing to voluntary treatment, the person
331 received written notice of that finding and certification, and
332 written notice that as a result of such finding, he or she may
333 be prohibited from purchasing or possessing a firearm, ~~and may~~
334 not be eligible to apply for or retain a concealed weapons
335 ~~weapon~~ or firearms license under s. 790.06, and the person
336 signed or otherwise acknowledged such notice in writing, in
337 substantially the following form:

338
339 "I understand that the doctor who examined me believes I am a
340 danger to myself or to others. I understand that if I do not
341 agree to voluntary treatment, a petition will be filed in court
342 to require me to receive involuntary treatment. I understand
343 that if that petition is filed, I have the right to contest it.
344 In the event a petition has been filed, I understand that I can
345 subsequently agree to voluntary treatment prior to a court
346 hearing. I understand that by agreeing to voluntary treatment in
347 either of these situations, I may be prohibited from buying,
348 selling, or possessing firearms and from applying for or

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349 retaining a concealed weapons or firearms license until I apply
350 for and receive relief from that restriction under Florida law.”
351

352 (D) A judge or a magistrate has, pursuant to sub-sub-
353 subparagraph c.(II), reviewed the record of the finding,
354 certification, notice, and written acknowledgment classifying
355 the person as an imminent danger to himself or herself or
356 others, and ordered that such record be submitted to the
357 department. When reviewing the petition, the judge or magistrate
358 may also refer the case to the department, and if it has reason
359 to believe that an individual upon whom any type of firearm
360 disability is imposed on or after July 1, 2021, possesses any
361 firearms or ammunition or a license to carry a concealed weapon
362 or firearm, the department shall investigate and seize any such
363 firearms or ammunition or license to carry a concealed weapon or
364 firearm pursuant to the procedures in s. 790.401.

365 c. In order to check for these conditions, the department
366 shall compile and maintain an automated database of persons who
367 are prohibited from purchasing or possessing a firearm based on
368 court records of adjudications of mental defectiveness or
369 commitments to mental institutions or substance abuse treatment
370 providers. The Department of Children and Families, the Agency
371 for Health Care Administration, and the Department of Law
372 Enforcement shall enforce the reporting provisions of this
373 section, and all licensed mental health and substance abuse
374 service providers shall fully comply with this section by
375 January 1, 2022. If, on or after that date, either department or
376 the agency finds that a provider is not in compliance with the
377 reporting provisions, it may impose a \$100,000 fine for the

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378 first offense and a \$250,000 fine for the second offense and may
379 suspend the provider's license for the third offense.

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

386 (II) For persons committed to a mental institution or a
387 substance abuse treatment provider pursuant to sub-sub-
388 subparagraph b.(II), within 24 hours after the person's
389 agreement to voluntary admission, a record of the finding,
390 certification, notice, and written acknowledgment must be filed
391 by the administrator of the receiving facility or treatment
392 facility, as defined in s. 394.455 or s. 397.311, with the clerk
393 of the court for the county in which the involuntary examination
394 under s. 394.463 or s. 397.6957 occurred. No fee shall be
395 charged for the filing under this sub-sub-subparagraph. The
396 clerk must present the records to a judge or magistrate within
397 24 hours after receipt of the records. A judge or magistrate is
398 required and has the lawful authority to review the records ex
399 parte and, if the judge or magistrate determines that the record
400 supports the classifying of the person as an imminent danger to
401 himself or herself or others, to order that the record be
402 submitted to the department. If a judge or magistrate orders the
403 submittal of the record to the department, the record must be
404 submitted to the department within 24 hours.

405 d. A person who has been adjudicated mentally defective or
406 committed to a mental institution or a substance abuse treatment

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407 provider, as those terms are defined in this paragraph, may
408 petition the court that made the adjudication or commitment, or
409 the court that ordered that the record be submitted to the
410 department pursuant to sub-sub-subparagraph c.(II), for relief
411 from the firearm disabilities or seizure imposed by such
412 adjudication or commitment. A copy of the petition shall be
413 served on the state attorney for the county in which the person
414 was adjudicated or committed. The state attorney may object to
415 and present evidence relevant to the relief sought by the
416 petition. The hearing on the petition may be open or closed as
417 the petitioner may choose. The petitioner may present evidence
418 and subpoena witnesses to appear at the hearing on the petition.
419 The petitioner may confront and cross-examine witnesses called
420 by the state attorney. A record of the hearing shall be made by
421 a certified court reporter or by court-approved electronic
422 means. The court shall make written findings of fact and
423 conclusions of law on the issues before it and issue a final
424 order. The court shall grant the relief requested in the
425 petition if the court finds, based on the evidence presented
426 with respect to the petitioner's reputation, the petitioner's
427 mental health record and, if applicable, criminal history
428 record, the circumstances surrounding the firearm disability or
429 seizure, and any other evidence in the record, that the
430 petitioner will not be likely to act in a manner that is
431 dangerous to public safety and that granting the relief would
432 not be contrary to the public interest. If the final order
433 denies relief, the petitioner may not petition again for relief
434 from firearm disabilities or seizure until 1 year after the date
435 of the final order. The petitioner may seek judicial review of a

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436 final order denying relief in the district court of appeal
437 having jurisdiction over the court that issued the order. The
438 review shall be conducted de novo. Relief from a firearm
439 disability or seizure granted under this sub-subparagraph has no
440 effect on the loss of civil rights, including firearm rights,
441 for any reason other than the particular adjudication of mental
442 defectiveness or commitment to a mental institution from which
443 relief is granted.

444 e. Upon receipt of proper notice of relief from firearm
445 disabilities or seizure granted under sub-subparagraph d., the
446 department shall delete any mental health record of the person
447 granted relief from the automated database of persons who are
448 prohibited from purchasing or possessing a firearm based on
449 court records of adjudications of mental defectiveness or
450 commitments to mental institutions.

451 f. The department is authorized to disclose data collected
452 pursuant to this subparagraph to agencies of the Federal
453 Government and other states for use exclusively in determining
454 the lawfulness of a firearm sale or transfer. The department is
455 also authorized to disclose this data to the Department of
456 Agriculture and Consumer Services for purposes of determining
457 eligibility for issuance of a concealed weapons or concealed
458 firearms license and for determining whether a basis exists for
459 revoking or suspending a previously issued license pursuant to
460 s. 790.06(10). When a potential buyer or transferee appeals a
461 nonapproval based on these records, the clerks of court and
462 mental institutions shall, upon request by the department,
463 provide information to help determine whether the potential
464 buyer or transferee is the same person as the subject of the

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465 record. Photographs and any other data that could confirm or
466 negate identity must be made available to the department for
467 such purposes, notwithstanding any other ~~provision of~~ state law
468 to the contrary. Any such information that is made confidential
469 or exempt from disclosure by law shall retain such confidential
470 or exempt status when transferred to the department.

471 (b) Either inform the licensee making the inquiry ~~either~~
472 that records demonstrate that the buyer or transferee is so
473 prohibited and provide the licensee a nonapproval number, or
474 provide the licensee with a unique approval number.

475 (c)1. Review any records available to it to determine
476 whether the potential buyer or transferee has been indicted or
477 has had an information filed against her or him for an offense
478 that is a felony under either state or federal law, or, as
479 mandated by federal law, has had an injunction for protection
480 against domestic violence entered against the potential buyer or
481 transferee under s. 741.30, has had an injunction for protection
482 against repeat violence entered against the potential buyer or
483 transferee under s. 784.046, or has been arrested for a
484 dangerous crime as specified in s. 907.041(4)(a) or for any of
485 the following enumerated offenses:

- 486 a. Criminal anarchy under ss. 876.01 and 876.02.
- 487 b. Extortion under s. 836.05.
- 488 c. Explosives violations under s. 552.22(1) and (2).
- 489 d. Controlled substances violations under chapter 893.
- 490 e. Resisting an officer with violence under s. 843.01.
- 491 f. Weapons and firearms violations under this chapter.
- 492 g. Treason under s. 876.32.
- 493 h. Assisting self-murder under s. 782.08.

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494 i. Sabotage under s. 876.38.

495 j. Stalking or aggravated stalking under s. 784.048.

496
497 If the review indicates any such indictment, information, or
498 arrest, the department shall provide to the licensee a
499 conditional nonapproval number.

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

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

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

513 5. If the potential buyer is not so prohibited, or if the
514 department cannot determine the disposition information within
515 the allotted time period, the department shall provide the
516 licensee with a conditional approval number.

517 6. If the buyer is so prohibited, the conditional
518 nonapproval number shall become a nonapproval number.

519 7. The department shall continue its attempts to obtain the
520 disposition information and may retain a record of all approval
521 numbers granted without sufficient disposition information. If
522 the department later obtains disposition information that ~~which~~

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523 indicates:

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

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

530 8. During the time that disposition of the indictment,
531 information, or arrest is pending and until the department is
532 notified by the potential buyer that there has been a final
533 disposition of the indictment, information, or arrest, the
534 conditional nonapproval number shall remain in effect.

535 (3) In the event of scheduled computer downtime, electronic
536 failure, or similar emergency beyond the control of the
537 Department of Law Enforcement, the department shall immediately
538 notify the licensee of the reason for, and estimated length of,
539 such delay. After such notification, the department shall
540 forthwith, and in no event later than the end of the next
541 business day of the licensee, either inform the requesting
542 licensee if its records demonstrate that the buyer or transferee
543 is prohibited from receipt or possession of a firearm pursuant
544 to Florida and federal law or provide the licensee with a unique
545 approval number. Unless notified by the end of the ~~said~~ next
546 business day that the buyer or transferee is so prohibited, and
547 without regard to whether she or he has received a unique
548 approval number, the licensee may complete the sale or transfer
549 and shall not be deemed in violation of this section with
550 respect to such sale or transfer.

551 (4) (a) Any records containing any of the information set

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552 forth in subsection (1) pertaining to a buyer or transferee who
553 is not found to be prohibited from receipt or transfer of a
554 firearm by reason of Florida and federal law which records are
555 created by the Department of Law Enforcement to conduct the
556 criminal history record check shall be confidential and exempt
557 from ~~the provisions of~~ s. 119.07(1) and may not be disclosed by
558 the Department of Law Enforcement or any officer or employee
559 thereof to any person or to another agency. The Department of
560 Law Enforcement shall destroy any such records forthwith after
561 it communicates the approval and nonapproval numbers to the
562 licensee and, in any event, such records shall be destroyed
563 within 48 hours after the day of the response to the licensee's
564 request.

565 (b) Notwithstanding ~~the provisions of~~ this subsection, the
566 Department of Law Enforcement may maintain records of NCIC
567 transactions to the extent required by the Federal Government,
568 and may maintain a log of dates of requests for criminal history
569 records checks, unique approval and nonapproval numbers, license
570 identification numbers, and transaction numbers corresponding to
571 such dates for a period of not longer than 2 years or as
572 otherwise required by law.

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

577 (d) Any officer or employee, or former officer or employee,
578 of the Department of Law Enforcement or law enforcement agency
579 who intentionally and maliciously violates ~~the provisions of~~
580 this subsection commits a felony of the third degree, punishable

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581 as provided in s. 775.082 or s. 775.083.

582 (5) The Department of Law Enforcement shall establish a
583 toll-free telephone number that ~~which~~ shall be operational 7
584 days a week with the exception of Christmas Day and New Year's
585 Day, for a period of 12 hours a day beginning at 9 a.m. and
586 ending at 9 p.m., for purposes of responding to inquiries as
587 described in this section from licensed manufacturers, licensed
588 importers, and licensed dealers. The Department of Law
589 Enforcement shall employ and train such personnel as are
590 necessary expeditiously to administer ~~the provisions of~~ this
591 section.

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

597 (7) It is ~~shall be~~ unlawful for any licensed dealer,
598 licensed manufacturer, or licensed importer willfully and
599 intentionally to request criminal history record information
600 under false pretenses, or willfully and intentionally to
601 disseminate criminal history record information to any person
602 other than the subject of such information. Any person convicted
603 of a violation of this subsection commits a felony of the third
604 degree, punishable as provided in s. 775.082 or s. 775.083.

605 (8) The Department of Law Enforcement shall adopt
606 ~~promulgate~~ regulations to ensure the identity, confidentiality,
607 and security of all records and data provided pursuant to this
608 section.

609 (9) This section shall become effective at such time as the

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610 Department of Law Enforcement has notified all licensed
611 importers, licensed manufacturers, and licensed dealers in
612 writing that the procedures and toll-free number described in
613 this section are operational. This section shall remain in
614 effect only during such times as the procedures described in
615 subsection (2) remain operational.

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

619 (a) Unavailability of telephone service at the licensed
620 premises due to the failure of the entity that ~~which~~ provides
621 telephone service in the state, region, or other geographical
622 area in which the licensee is located to provide telephone
623 service to the premises of the licensee due to the location of
624 said premises; or the interruption of telephone service by
625 reason of hurricane, tornado, flood, natural disaster, or other
626 act of God, war, invasion, insurrection, riot, or other bona
627 fide emergency, or other reason beyond the control of the
628 licensee; or

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

631 (11) Compliance with ~~the provisions of~~ this chapter shall
632 be a complete defense to any claim or cause of action under the
633 laws of any state for liability for damages arising from the
634 importation or manufacture, or the subsequent sale or transfer
635 to any person who has been convicted in any court of a crime
636 punishable by imprisonment for a term exceeding 1 year, of any
637 firearm that ~~which~~ has been shipped or transported in interstate
638 or foreign commerce. The Department of Law Enforcement, its

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639 agents, and employees shall not be liable for any claim or cause
640 of action under the laws of any state for liability for damages
641 arising from its actions in lawful compliance with this section.

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

646 (b) Any licensed importer, licensed manufacturer, or
647 licensed dealer who violates ~~the provisions of~~ subsection (1)
648 commits a felony of the third degree, punishable as provided in
649 s. 775.082 or s. 775.083.

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

654 (d) Any person who knowingly acquires a firearm through
655 purchase or transfer intended for the use of a person who is
656 prohibited by state or federal law from possessing or receiving
657 a firearm commits a felony of the third degree, punishable as
658 provided in s. 775.082 or s. 775.083.

659 (13) A person younger than 21 years of age may not purchase
660 a firearm. The sale or transfer of a firearm to a person younger
661 than 21 years of age may not be made or facilitated by a
662 licensed importer, licensed manufacturer, or licensed dealer. A
663 person who violates this subsection commits a felony of the
664 third degree, punishable as provided in s. 775.082, s. 775.083,
665 or s. 775.084. The prohibitions of this subsection do not apply
666 to the purchase of a rifle or shotgun by a law enforcement
667 officer or correctional officer, as those terms are defined in

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668 s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a
669 servicemember as defined in s. 250.01.

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

675 Section 5. This act shall take effect July 1, 2021.