

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative Eskamani offered the following:

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

5 Between lines 2243 and 2244, insert:

6 Section 35. Section 790.402, Florida Statutes, is created  
7 to read:

8 790.402 Voluntary waiver of firearm rights.-

9 (1) A person may file a voluntary waiver of firearm rights  
10 with the clerk of the court in any county. The clerk of the  
11 court must request photo identification to verify the person's  
12 identity before accepting the form. The person filing the form  
13 may provide an alternate person to be contacted if a voluntary  
14 waiver of firearm rights is revoked. By the end of the business  
15 day, the clerk of the court must transmit the accepted form to  
16 the Department of Law Enforcement. The department must enter the

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17 voluntary waiver of firearm rights into the national instant  
18 criminal background check system and any other federal or state  
19 computer-based systems used by law enforcement agencies or  
20 others to identify prohibited purchasers of firearms within 24  
21 hours of receipt of the form.

22 (2) No sooner than 7 calendar days after filing a  
23 voluntary waiver of firearm rights, the person may file a  
24 revocation of the voluntary waiver of firearm rights in the same  
25 county where the voluntary waiver of firearm rights was filed.  
26 The clerk of the court must request photo identification to  
27 verify the person's identity before accepting the form. By the  
28 end of the business day, the clerk of the court must transmit  
29 the form to the Department of Law Enforcement and to any contact  
30 person listed on the voluntary waiver of firearm rights.

31 (3) A person's voluntary waiver of firearm rights remains  
32 in effect for 6 months unless he or she revokes the waiver  
33 earlier under subsection (2).

34 (4) Within 7 days after receiving a revocation of a  
35 voluntary waiver of firearm rights under subsection (2) or  
36 within 7 days after the expiration of a person's waiver under  
37 subsection (3), the department must remove the person from the  
38 national instant criminal background check system, and any other  
39 federal or state computer-based systems used by law enforcement  
40 agencies or others to identify prohibited purchasers of firearms

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41 in which the person was entered, unless the person is otherwise  
42 ineligible to possess a firearm under this chapter.

43 (5) A person who knowingly makes a false statement  
44 regarding their identity on the voluntary waiver of firearm  
45 rights form or revocation of waiver of firearm rights form  
46 commits a violation of s. 837.06.

47 (6) Neither a voluntary waiver of firearm rights nor a  
48 revocation of a voluntary waiver of firearm rights shall be  
49 considered by a court in any legal proceeding.

50 (7) A voluntary waiver of firearm rights may not be  
51 required of an individual as a condition for receiving  
52 employment, benefits, or services.

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**T I T L E   A M E N D M E N T**

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Remove line 118 and insert:

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the act; creating s. 790.402, F.S.; providing for

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individuals to voluntarily waive their rights to purchase

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firearms; providing procedures; providing duties of court

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clerks and the Department of Law Enforcement; providing for

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expiration of a waiver; prohibiting false statements;

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providing criminal penalties; providing construction;

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providing appropriations; providing effective