

Amendment No. 9

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WITHDRAWN _____ (Y/N)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

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative DuBose offered the following:

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

5 Between lines 465 and 466, insert:

6 Section 7. Paragraph (a) of subsection (1) of section
7 790.065, Florida Statutes, is amended, and paragraph (a) of
8 subsection (4) and paragraphs (b) and (c) of subsection (12) are
9 republished, to read:

10 790.065 Sale and delivery of firearms.—

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

Amendment No. 9

16 1. Obtained a completed form from the potential buyer or
17 transferee, which form shall have been promulgated by the
18 Department of Law Enforcement and provided by the licensed
19 importer, licensed manufacturer, or licensed dealer, which shall
20 include the name, date of birth, gender, race, questions about
21 the buyer's criminal history and other information relating to
22 the potential buyer or transferee's eligibility to purchase a
23 firearm, and social security number or other identification
24 number of the ~~such~~ potential buyer or transferee and has
25 inspected proper identification including an identification
26 containing a photograph of the potential buyer or transferee.

27 a. In any case in which records reviewed pursuant to
28 subsection (2) indicate that the potential buyer or transferee
29 is prohibited from having in her or his care, custody,
30 possession, or control any firearm under state or federal law
31 and the potential transfer, sale, or purchase has received a
32 nonapproval number, the Department of Law Enforcement shall send
33 notification of such nonapproval to the federal or state
34 correctional, law enforcement, prosecutorial, and other criminal
35 justice agencies that have jurisdiction in the county where the
36 attempted transfer or purchase was made.

37 b. The Department of Law Enforcement shall, for each
38 county, identify appropriate federal or state correctional, law
39 enforcement, prosecutorial, and other criminal justice agencies
40 to receive the notification described in sub-subparagraph a.

PCB APC 18-06 a9

Published On: 2/26/2018 6:48:27 PM

Amendment No. 9

41 c. The notification described in sub-subparagraph a. must
42 include the identity of the potential buyer or transferee, the
43 identity of the licensee who made the inquiry, the date and time
44 when a nonapproval number was issued, the prohibiting criteria
45 for the nonapproval, and the location where the attempted
46 purchase or transfer occurred.

47 d. The Department of Law Enforcement shall make the
48 notification described in sub-subparagraph a. within 1 week
49 after receipt of the notice of the nonapproval, and may
50 aggregate any notifications required pursuant to sub-
51 paragraph a. and issue them together within the required
52 timeframe, except that a notification may be delayed for as long
53 as necessary to avoid compromising an ongoing investigation.

54 e. The Department of Law Enforcement may make the
55 notification required pursuant to sub-subparagraph a. in any
56 form, including, but not limited to, by oral or written
57 communication or by electronic means.

58 2. Collected a fee from the potential buyer for processing
59 the criminal history check of the potential buyer. The fee shall
60 be established by the Department of Law Enforcement and may not
61 exceed \$8 per transaction. The Department of Law Enforcement may
62 reduce, or suspend collection of, the fee to reflect payment
63 received from the Federal Government applied to the cost of
64 maintaining the criminal history check system established by
65 this section as a means of facilitating or supplementing the

PCB APC 18-06 a9

Published On: 2/26/2018 6:48:27 PM

Amendment No. 9

66 National Instant Criminal Background Check System. The
67 Department of Law Enforcement shall, by rule, establish
68 procedures for the fees to be transmitted by the licensee to the
69 Department of Law Enforcement. All such fees shall be deposited
70 into the Department of Law Enforcement Operating Trust Fund, but
71 shall be segregated from all other funds deposited into such
72 trust fund and must be accounted for separately. Such segregated
73 funds must not be used for any purpose other than the operation
74 of the criminal history checks required by this section. The
75 Department of Law Enforcement, each year prior to February 1,
76 shall make a full accounting of all receipts and expenditures of
77 such funds to the President of the Senate, the Speaker of the
78 House of Representatives, the majority and minority leaders of
79 each house of the Legislature, and the chairs of the
80 appropriations committees of each house of the Legislature. In
81 the event that the cumulative amount of funds collected exceeds
82 the cumulative amount of expenditures by more than \$2.5 million,
83 excess funds may be used for the purpose of purchasing soft body
84 armor for law enforcement officers.

85 3. Requested, by means of a toll-free telephone call, the
86 Department of Law Enforcement to conduct a check of the
87 information as reported and reflected in the Florida Crime
88 Information Center and National Crime Information Center systems
89 as of the date of the request.

PCB APC 18-06 a9

Published On: 2/26/2018 6:48:27 PM

Amendment No. 9

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

93 (4) (a) Any records containing any of the information set
94 forth in subsection (1) pertaining to a buyer or transferee who
95 is not found to be prohibited from receipt or transfer of a
96 firearm by reason of Florida and federal law which records are
97 created by the Department of Law Enforcement to conduct the
98 criminal history record check shall be confidential and exempt
99 from the provisions of s. 119.07(1) and may not be disclosed by
100 the Department of Law Enforcement or any officer or employee
101 thereof to any person or to another agency. The Department of
102 Law Enforcement shall destroy any such records forthwith after
103 it communicates the approval and nonapproval numbers to the
104 licensee and, in any event, such records shall be destroyed
105 within 48 hours after the day of the response to the licensee's
106 request.

107 (12)

108 (b) Any licensed importer, licensed manufacturer, or
109 licensed dealer who violates the provisions of subsection (1)
110 commits a felony of the third degree punishable as provided in
111 s. 775.082 or s. 775.083.

112 (c) Any employee or agency of a licensed importer,
113 licensed manufacturer, or licensed dealer who violates the

PCB APC 18-06 a9

Published On: 2/26/2018 6:48:27 PM

Amendment No. 9

114 provisions of subsection (1) commits a felony of the third
115 degree punishable as provided in s. 775.082 or s. 775.083.

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

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Between lines 31 and 32, insert:

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amending s. 790.065, F.S.; requiring the Department of Law

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Enforcement to include on a standard form certain questions

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concerning a potential firearm buyer's criminal history or

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other information relating to the person's eligibility to

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make the firearm purchase; requiring the department to

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notify law enforcement officials when a potential sale or

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transfer receives a nonapproval number; providing

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requirements for such notice;