

1 A bill to be entitled
2 An act relating to the sale of firearms; amending s.
3 790.065, F.S.; requiring Department of Law Enforcement
4 procedures to allow the payment or transmittal of
5 processing fees for criminal history checks of
6 potential firearms buyers by electronic means;
7 providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Paragraph (a) of subsection (1) of section
12 790.065, Florida Statutes, is amended to read:

13 790.065 Sale and delivery of firearms.—

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

19 1. Obtained a completed form from the potential buyer or
20 transferee, which form shall have been promulgated by the
21 Department of Law Enforcement and provided by the licensed
22 importer, licensed manufacturer, or licensed dealer, which shall
23 include the name, date of birth, gender, race, and social
24 security number or other identification number of such potential
25 buyer or transferee and has inspected proper identification

26 including an identification containing a photograph of the
27 potential buyer or transferee.

28 2. Collected a fee from the potential buyer for processing
29 the criminal history check of the potential buyer. The fee shall
30 be established by the Department of Law Enforcement and may not
31 exceed \$8 per transaction. The Department of Law Enforcement may
32 reduce, or suspend collection of, the fee to reflect payment
33 received from the Federal Government applied to the cost of
34 maintaining the criminal history check system established by
35 this section as a means of facilitating or supplementing the
36 National Instant Criminal Background Check System. The
37 Department of Law Enforcement shall, by rule, establish
38 procedures for the fees to be transmitted by the licensee to the
39 Department of Law Enforcement. Such procedures must provide that
40 fees may be paid or transmitted by electronic means, including,
41 but not limited to, debit cards, credit cards, or electronic
42 funds transfers. All such fees shall be deposited into the
43 Department of Law Enforcement Operating Trust Fund, but shall be
44 segregated from all other funds deposited into such trust fund
45 and must be accounted for separately. Such segregated funds must
46 not be used for any purpose other than the operation of the
47 criminal history checks required by this section. The Department
48 of Law Enforcement, each year before ~~prior to~~ February 1, shall
49 make a full accounting of all receipts and expenditures of such
50 funds to the President of the Senate, the Speaker of the House

51 of Representatives, the majority and minority leaders of each
52 house of the Legislature, and the chairs of the appropriations
53 committees of each house of the Legislature. In the event that
54 the cumulative amount of funds collected exceeds the cumulative
55 amount of expenditures by more than \$2.5 million, excess funds
56 may be used for the purpose of purchasing soft body armor for
57 law enforcement officers.

58 3. Requested, by means of a toll-free telephone call, the
59 Department of Law Enforcement to conduct a check of the
60 information as reported and reflected in the Florida Crime
61 Information Center and National Crime Information Center systems
62 as of the date of the request.

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

66 Section 2. This act shall take effect July 1, 2018.