

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Nuñez offered the following:

2  
3 **Substitute Amendment for Amendment (949119)**

4 Remove lines 424-660 and insert:

5 ensure community action team services are available in any  
6 remaining areas of the state.

7 Section 6. Paragraph (a) of subsection (1) of section  
8 790.065, Florida Statutes, is amended to read:

9 790.065 Sale and delivery of firearms.—

10 (1)(a)1. A licensed importer, licensed manufacturer, or  
11 licensed dealer may not sell or deliver from her or his  
12 inventory at her or his licensed premises any firearm to another  
13 person, other than a licensed importer, licensed manufacturer,

617719

Approved For Filing: 2/28/2018 6:55:10 PM

Amendment No.

14 licensed dealer, or licensed collector, who is under 21 years of  
15 age, except that a licensed importer, licensed manufacturer, or  
16 licensed dealer may sell or deliver a rifle or shotgun to a  
17 person who is 18 years of age or older and is a law enforcement  
18 officer or correctional officer as defined in s. 943.10 or a  
19 servicemember as defined in s. 250.01.

20 2. For a person 21 years of age or older, or 18 years of  
21 age or older and meeting an exception under this paragraph, a  
22 licensed importer, licensed manufacturer, or licensed dealer may  
23 not sell or deliver from her or his inventory at her or his  
24 licensed premises any firearm to another person, other than a  
25 licensed importer, licensed manufacturer, licensed dealer, or  
26 licensed collector until she or he has:

27 a.1. Obtained a completed form from the potential buyer or  
28 transferee, which form shall have been promulgated by the  
29 Department of Law Enforcement and provided by the licensed  
30 importer, licensed manufacturer, or licensed dealer, which shall  
31 include the name, date of birth, gender, race, and social  
32 security number or other identification number of such potential  
33 buyer or transferee and has inspected proper identification  
34 including an identification containing a photograph of the  
35 potential buyer or transferee.

36 b.2. Collected a fee from the potential buyer for  
37 processing the criminal history check of the potential buyer.  
38 The fee shall be established by the Department of Law

617719

Approved For Filing: 2/28/2018 6:55:10 PM

Amendment No.

39 Enforcement and may not exceed \$8 per transaction. The  
40 Department of Law Enforcement may reduce, or suspend collection  
41 of, the fee to reflect payment received from the Federal  
42 Government applied to the cost of maintaining the criminal  
43 history check system established by this section as a means of  
44 facilitating or supplementing the National Instant Criminal  
45 Background Check System. The Department of Law Enforcement  
46 shall, by rule, establish procedures for the fees to be  
47 transmitted by the licensee to the Department of Law  
48 Enforcement. All such fees shall be deposited into the  
49 Department of Law Enforcement Operating Trust Fund, but shall be  
50 segregated from all other funds deposited into such trust fund  
51 and must be accounted for separately. Such segregated funds must  
52 not be used for any purpose other than the operation of the  
53 criminal history checks required by this section. The Department  
54 of Law Enforcement, each year prior to February 1, shall make a  
55 full accounting of all receipts and expenditures of such funds  
56 to the President of the Senate, the Speaker of the House of  
57 Representatives, the majority and minority leaders of each house  
58 of the Legislature, and the chairs of the appropriations  
59 committees of each house of the Legislature. In the event that  
60 the cumulative amount of funds collected exceeds the cumulative  
61 amount of expenditures by more than \$2.5 million, excess funds  
62 may be used for the purpose of purchasing soft body armor for  
63 law enforcement officers.

617719

Approved For Filing: 2/28/2018 6:55:10 PM

Amendment No.

64 ~~c.3.~~ Requested, by means of a toll-free telephone call,  
65 the Department of Law Enforcement to conduct a check of the  
66 information as reported and reflected in the Florida Crime  
67 Information Center and National Crime Information Center systems  
68 as of the date of the request.

69 ~~d.4.~~ Received a unique approval number for that inquiry  
70 from the Department of Law Enforcement, and recorded the date  
71 and such number on the consent form.

72 Section 7. Section 790.0655, Florida Statutes, is amended  
73 to read:

74 790.0655 Purchase and delivery of firearms ~~handguns~~;  
75 mandatory waiting period; exceptions; penalties.-

76 (1) (a) ~~There shall be~~ A mandatory ~~3-day~~ waiting period is  
77 imposed between the purchase and delivery of a firearm, which  
78 shall be 3 days, excluding weekends and legal holidays, ~~between~~  
79 ~~the purchase and the delivery at retail of any handgun.~~

80 "Purchase" means the transfer of money or other valuable  
81 consideration to the retailer. ~~"Handgun" means a firearm capable~~  
82 ~~of being carried and used by one hand, such as a pistol or~~  
83 ~~revolver.~~ "Retailer" means and includes every person engaged in  
84 the business of making firearm sales at retail or for  
85 distribution, or use, or consumption, or storage to be used or  
86 consumed in this state, as defined in s. 212.02(13).

617719

Approved For Filing: 2/28/2018 6:55:10 PM

Amendment No.

87 (b) Records of firearm handgun sales must be available for  
88 inspection by any law enforcement agency, as defined in s.  
89 934.02, during normal business hours.

90 (2) The 3-day waiting period shall not apply in the  
91 following circumstances:

92 (a) When a firearm handgun is being purchased by a holder  
93 of a concealed weapons permit as defined in s. 790.06.

94 (b) To a trade-in of another firearm handgun.

95 (c) For the purchase of a rifle or shotgun, upon  
96 successfully completing a hunter safety course and possessing a  
97 hunter safety certification card issued under s. 379.3581. A  
98 person who is exempt from the hunter safety course requirement  
99 under s. 379.3581 and holds a valid Florida hunting license is  
100 exempt from the 3-day waiting period under this section for  
101 purchase of a rifle or shotgun.

102 (d) When a rifle or shotgun is being purchased by a law  
103 enforcement officer or correctional officer, as defined in s.  
104 943.10, or a servicemember as defined in s. 250.01.

105 (3) It is a felony of the third degree, punishable as  
106 provided in s. 775.082, s. 775.083, or s. 775.084:

107 (a) For any retailer, or any employee or agent of a  
108 retailer, to deliver a firearm handgun before the expiration of  
109 the 3-day waiting period, subject to the exceptions provided in  
110 subsection (2).

617719

Approved For Filing: 2/28/2018 6:55:10 PM

Amendment No.

111 (b) For a purchaser to obtain delivery of a firearm  
112 ~~handgun~~ by fraud, false pretense, or false representation.

113 Section 8. Section 790.0656, Florida Statutes, is created  
114 to read:

115 790.0656 Seizure of firearms from persons subject to  
116 involuntary examination.—

117 (1) A law enforcement agency taking custody of a person  
118 who meets the criteria for involuntary examination under s.  
119 394.463 and who makes a credible threat of violence against  
120 another person shall seize each firearm and all ammunition owned  
121 by the person that is in his or her possession, custody, or  
122 control. The law enforcement agency shall report the date and  
123 time of the start and of the end of the involuntary examination  
124 period to the Department of Law Enforcement. The department  
125 shall include the information received from the law enforcement  
126 agency in the Florida Crime Information Center database.

127 (2) The law enforcement agency shall hold each firearm and  
128 ammunition for 72 hours, and return the property to the person  
129 within 7 days of the expiration of that time period subject to  
130 the policies and procedures developed by the law enforcement  
131 agency under subsection (6), unless a temporary injunction has  
132 been issued under subsection (3). The person may not own,  
133 possess, or purchase a firearm during the 72-hour period. If the  
134 person is adjudicated mentally defective or committed to a  
135 mental institution, as each of those terms is defined in s.

617719

Approved For Filing: 2/28/2018 6:55:10 PM

Amendment No.

136 790.065(2)(a)4., following the involuntary examination under s.  
137 394.463, the agency shall retain each firearm and ammunition  
138 indefinitely until a court of competent jurisdiction orders the  
139 person's relief from firearm ownership disability, allowing him  
140 or her to possess or purchase a firearm.

141 (3)(a) Before the expiration of the 72-hour period, the  
142 law enforcement agency may petition a court of competent  
143 jurisdiction for an ex parte temporary injunction to retain each  
144 firearm and all ammunition for 60 days upon showing by clear and  
145 convincing evidence that the person remains a credible threat of  
146 committing violence against another person. In determining  
147 whether there is such clear and convincing evidence, the court  
148 shall consider all relevant factors, including, but not limited  
149 to:

150 1. Whether the person has:

151 a. A history of threats, harassment, stalking, physical  
152 abuse, or violence.

153 b. A criminal history involving violence or the threat of  
154 violence.

155 c. Intentionally attempted to harm or intentionally harmed  
156 another person.

157 d. Threatened to harm, either orally or in writing,  
158 another person.

159 e. Used, or has threatened to use, any weapon such as a  
160 firearm or knife in a violent manner.

617719

Approved For Filing: 2/28/2018 6:55:10 PM

Amendment No.

161 f. Intentionally and unlawfully injured or killed an  
162 animal.

163 2. The person's medical and mental health history.

164 3. The person's school disciplinary history.

165 (b) The clerk of the court shall furnish a copy of the  
166 temporary injunction to the sheriff or a law enforcement agency  
167 of the county where the person resides or can be found, who  
168 shall serve it upon the person as soon thereafter as possible.  
169 Notwithstanding any other provision of law, the chief judge of  
170 each circuit, in consultation with the appropriate sheriff, may  
171 authorize a law enforcement agency within the jurisdiction to  
172 effect service. A law enforcement agency serving an injunction  
173 under this subsection shall use service procedures consistent  
174 with the sheriff's service procedures.

175 (c) The law enforcement agency that obtains the temporary  
176 injunction shall report the date and time of issuance and  
177 person's identifying information, including his or her name,  
178 age, date of birth, and last known address, to the Department of  
179 Law Enforcement. The department shall include such information  
180 in the Florida Crime Information Center database. A person  
181 subject to a temporary injunction under this subsection may not  
182 own, possess, or purchase a firearm while the injunction is in  
183 effect.

184 (4) At the expiration of the 60-day period, the agency  
185 shall return each firearm and all ammunition to the person

617719

Approved For Filing: 2/28/2018 6:55:10 PM



Amendment No.

186 within 7 days, subject to the policies and procedures developed  
187 under subsection (6). The law enforcement agency may petition  
188 the court for one 60-day extension of the temporary injunction  
189 upon showing by clear and convincing evidence that the person  
190 presents a continuing credible threat of committing violence  
191 against another person. The court shall consider the factors in  
192 subsection (3) when deciding the petition for extension.

193 (5) A person who is subject to a temporary injunction  
194 under subsection (3) may petition the court to terminate the  
195 injunction upon showing by clear and convincing evidence that he  
196 or she no longer presents a credible threat of committing  
197 violence against another person.

198 (6) Law enforcement agencies shall develop policies and  
199 procedures for seizing, storing, and returning firearms and  
200 ammunition under this section, and may not charge a fee for such  
201 activities.

202 Section 9. Section 790.0657, Florida Statutes, is created  
203 to read:

204 790.0657 Possession of firearms or ammunition prohibited.—

205 (1) A person adjudicated mentally defective or committed  
206 to a mental institution, as those terms are defined in s.  
207 790.065(2)(a)4., may not own, possess, or purchase a firearm or  
208 ammunition unless he or she has obtained relief from firearm  
209 ownership disability from a court. A person may not petition for

617719

Approved For Filing: 2/28/2018 6:55:10 PM

Amendment No.

210 such relief until 60 days after his or her release from  
211 involuntary commitment under part I of ch. 394.

212 (2) A person who violates this section shall forfeit each  
213 firearm and all ammunition in his or her possession, custody, or  
214 control to a law enforcement agency. If a person fails to  
215 forfeit his or her firearm and ammunition as required under this  
216 section, a law enforcement agency shall seize such property and  
217 retain it indefinitely until ordered to return it by a court.  
218 Law enforcement agencies shall develop policies and procedures  
219 for seizing, storing, and returning firearms and ammunition  
220 under this section.

221 Section 10. Effective October 1, 2018, section 790.222,  
222 Florida Statutes, is created to read:

223 790.222 Bump-fire stocks prohibited.—A person may not  
224 import into this state or transfer, distribute, sell, keep for  
225 sale, offer for sale, possess, or give to another person a bump-  
226 fire stock. A person who violates this section commits a felony  
227 of the third degree, punishable as provided in s. 775.082, s.  
228 775.083, or s. 775.084. As used in this section, the term "bump-  
229 fire stock" means any device used with or attached to a firearm  
230 which uses the recoil action of the firearm to increase its  
231 cyclic firing rate to a nearly automatic rate of fire or to  
232 increase the rate of fire to a faster rate than is possible for  
233 an individual to operate the firearm without such a device.

617719

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