



26 transferee, which form shall have been promulgated by the  
27 Department of Law Enforcement and provided by the licensed  
28 importer, licensed manufacturer, or licensed dealer, which shall  
29 include the name, date of birth, gender, race, questions about  
30 the buyer's criminal history and other information relating to  
31 the potential buyer or transferee's eligibility to purchase a  
32 firearm, and social security number or other identification  
33 number of the ~~such~~ potential buyer or transferee and has  
34 inspected proper identification including an identification  
35 containing a photograph of the potential buyer or transferee.

36 a. In any case in which records reviewed pursuant to  
37 subsection (2) indicate that the potential buyer or transferee  
38 is prohibited from having in her or his care, custody,  
39 possession, or control any firearm under state or federal law  
40 and the potential transfer, sale, or purchase has received a  
41 nonapproval number, the Department of Law Enforcement shall send  
42 notification of such nonapproval to the federal or state  
43 correctional, law enforcement, prosecutorial, and other criminal  
44 justice agencies that have jurisdiction in the county where the  
45 attempted transfer or purchase was made.

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

50 c. The notification described in sub-subparagraph a. must

51 include the identity of the potential buyer or transferee, the  
52 identity of the licensee who made the inquiry, the date and time  
53 when a nonapproval number was issued, the prohibiting criteria  
54 for the nonapproval, and the location where the attempted  
55 purchase or transfer occurred.

56 d. The Department of Law Enforcement shall make the  
57 notification described in sub-subparagraph a. within 1 week  
58 after receipt of the notice of the nonapproval, and may  
59 aggregate any notifications required pursuant to sub-  
60 paragraph a. and issue them together within the required  
61 timeframe, except that a notification may be delayed for as long  
62 as necessary to avoid compromising an ongoing investigation.

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

67 2. Collected a fee from the potential buyer for processing  
68 the criminal history check of the potential buyer. The fee shall  
69 be established by the Department of Law Enforcement and may not  
70 exceed \$8 per transaction. The Department of Law Enforcement may  
71 reduce, or suspend collection of, the fee to reflect payment  
72 received from the Federal Government applied to the cost of  
73 maintaining the criminal history check system established by  
74 this section as a means of facilitating or supplementing the  
75 National Instant Criminal Background Check System. The

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

94 3. Requested, by means of a toll-free telephone call, the  
95 Department of Law Enforcement to conduct a check of the  
96 information as reported and reflected in the Florida Crime  
97 Information Center and National Crime Information Center systems  
98 as of the date of the request.

99 4. Received a unique approval number for that inquiry from  
100 the Department of Law Enforcement, and recorded the date and

101 such number on the consent form.

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

116 (12)

117 (b) Any licensed importer, licensed manufacturer, or  
118 licensed dealer who violates the provisions of subsection (1)  
119 commits a felony of the third degree punishable as provided in  
120 s. 775.082 or s. 775.083.

121 (c) Any employee or agency of a licensed importer,  
122 licensed manufacturer, or licensed dealer who violates the  
123 provisions of subsection (1) commits a felony of the third  
124 degree punishable as provided in s. 775.082 or s. 775.083.

125 Section 2. This act shall take effect upon becoming a law.