

1                                   A bill to be entitled  
 2           An act relating to sales of ammunition; providing a  
 3           short title; amending s. 790.065, F.S.; requiring  
 4           background checks for the sale or transfer of  
 5           ammunition; providing exceptions; providing an  
 6           effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

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 10           **Section 1.** This act may be cited as "Jaime's Law."

11           **Section 2. Subsections (1), (2), and (3), paragraphs (b),**  
 12 **(c), and (d) of subsection (4), and subsections (6), (11), and**  
 13 **(12) of section 790.065, Florida Statutes, are amended, and**  
 14 **subsections (8), (10), and (14) of that section are republished,**  
 15 **to read:**

16           790.065 Sale and delivery of firearms and ammunition.—

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

23           1. Obtained a completed form from the potential buyer or  
 24 transferee, which form shall have been promulgated by the  
 25 Department of Law Enforcement and provided by the licensed

26 importer, licensed manufacturer, or licensed dealer, which shall  
27 include the name, date of birth, gender, race, and social  
28 security number or other identification number of such potential  
29 buyer or transferee and has inspected proper identification  
30 including an identification containing a photograph of the  
31 potential buyer or transferee.

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

51 criminal history checks required by this section. The Department  
52 of Law Enforcement, each year before February 1, shall make a  
53 full accounting of all receipts and expenditures of such funds  
54 to the President of the Senate, the Speaker of the House of  
55 Representatives, the majority and minority leaders of each house  
56 of the Legislature, and the chairs of the appropriations  
57 committees of each house of the Legislature. In the event that  
58 the cumulative amount of funds collected exceeds the cumulative  
59 amount of expenditures by more than \$2.5 million, excess funds  
60 may be used for the purpose of purchasing soft body armor for  
61 law enforcement officers.

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

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

70 (b) However, if the person purchasing, or receiving  
71 delivery of, the firearm or ammunition is a holder of a valid  
72 concealed weapons or firearms license pursuant to ~~the provisions~~  
73 ~~of~~ s. 790.06 or holds an active certification from the Criminal  
74 Justice Standards and Training Commission as a "law enforcement  
75 officer," a "correctional officer," or a "correctional probation

76 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or  
77 (9), this subsection does not apply.

78 (c) This subsection does not apply to the purchase, trade,  
79 or transfer of a rifle or shotgun or rifle or shotgun ammunition  
80 by a resident of this state when the resident makes such  
81 purchase, trade, or transfer from a licensed importer, licensed  
82 manufacturer, or licensed dealer in another state.

83 (d) This subsection does not apply to a transfer of  
84 ammunition if the transferor has no reason to believe that the  
85 transferee will use or intends to use the ammunition in a crime  
86 or that the transferee is prohibited from possessing ammunition  
87 under state or federal law, and the transfer takes place and the  
88 transferee's possession of the ammunition is exclusively:

89 1. At a shooting range or in a shooting gallery or other  
90 area designated for the purpose of target shooting; or

91 2. While reasonably necessary for the purposes of hunting,  
92 trapping, or fishing, if the transferor:

93 a. Has no reason to believe that the transferee intends to  
94 use the ammunition in a place where it is illegal;

95 b. Has reason to believe that the transferee will comply  
96 with all licensing and permit requirements for such hunting,  
97 trapping, or fishing; or

98 c. Is in the presence of the transferee.

99 (2) Upon receipt of a request for a criminal history  
100 record check, the Department of Law Enforcement shall, during

101 the licensee's call or by return call, forthwith:

102 (a) Review any records available to determine if the  
103 potential buyer or transferee:

104 1. Has been convicted of a felony and is prohibited from  
105 receipt or possession of a firearm or ammunition pursuant to s.  
106 790.23;

107 2. Has been convicted of a misdemeanor crime of domestic  
108 violence, and therefore is prohibited from purchasing a firearm  
109 or ammunition;

110 3. Has had adjudication of guilt withheld or imposition of  
111 sentence suspended on any felony or misdemeanor crime of  
112 domestic violence unless 3 years have elapsed since probation or  
113 any other conditions set by the court have been fulfilled or  
114 expunction has occurred; or

115 4. Has been adjudicated mentally defective or has been  
116 committed to a mental institution by a court or as provided in  
117 sub-sub-subparagraph b.(II), and as a result is prohibited by  
118 state or federal law from purchasing a firearm.

119 a. As used in this subparagraph, "adjudicated mentally  
120 defective" means a determination by a court that a person, as a  
121 result of marked subnormal intelligence, or mental illness,  
122 incompetency, condition, or disease, is a danger to himself or  
123 herself or to others or lacks the mental capacity to contract or  
124 manage his or her own affairs. The phrase includes a judicial  
125 finding of incapacity under s. 744.331(6)(a), an acquittal by

126 | reason of insanity of a person charged with a criminal offense,  
127 | and a judicial finding that a criminal defendant is not  
128 | competent to stand trial.

129 |       b. As used in this subparagraph, "committed to a mental  
130 | institution" means:

131 |       (I) Involuntary commitment, commitment for mental  
132 | defectiveness or mental illness, and commitment for substance  
133 | abuse. The phrase includes involuntary inpatient placement under  
134 | ~~as defined in~~ s. 394.467, involuntary outpatient placement under  
135 | ~~as defined in~~ s. 394.4655, involuntary assessment and  
136 | stabilization under s. 397.6818, and involuntary substance abuse  
137 | treatment under s. 397.6957, but does not include a person in a  
138 | mental institution for observation or discharged from a mental  
139 | institution based upon the initial review by the physician or a  
140 | voluntary admission to a mental institution; or

141 |       (II) Notwithstanding sub-sub-subparagraph (I), voluntary  
142 | admission to a mental institution for outpatient or inpatient  
143 | treatment of a person who had an involuntary examination under  
144 | s. 394.463, where each of the following conditions have been  
145 | met:

146 |       (A) An examining physician found that the person is an  
147 | imminent danger to himself or herself or others.

148 |       (B) The examining physician certified that if the person  
149 | did not agree to voluntary treatment, a petition for involuntary  
150 | outpatient or inpatient treatment would have been filed under s.

151 394.463(2)(g)4., or the examining physician certified that a  
152 petition was filed and the person subsequently agreed to  
153 voluntary treatment prior to a court hearing on the petition.

154 (C) Before agreeing to voluntary treatment, the person  
155 received written notice of that finding and certification, and  
156 written notice that as a result of such finding, he or she may  
157 be prohibited from purchasing a firearm, and may not be eligible  
158 to apply for or retain a concealed weapon or firearms license  
159 under s. 790.06 and the person acknowledged such notice in  
160 writing, in substantially the following form:

161 "I understand that the doctor who examined me believes I am a  
162 danger to myself or to others. I understand that if I do not  
163 agree to voluntary treatment, a petition will be filed in court  
164 to require me to receive involuntary treatment. I understand  
165 that if that petition is filed, I have the right to contest it.  
166 In the event a petition has been filed, I understand that I can  
167 subsequently agree to voluntary treatment prior to a court  
168 hearing. I understand that by agreeing to voluntary treatment in  
169 either of these situations, I may be prohibited from buying  
170 firearms and from applying for or retaining a concealed weapons  
171 or firearms license until I apply for and receive relief from  
172 that restriction under Florida law."

173 (D) A judge or a magistrate has, pursuant to sub-sub-  
174 subparagraph c.(II), reviewed the record of the finding,  
175 certification, notice, and written acknowledgment classifying

176 the person as an imminent danger to himself or herself or  
177 others, and ordered that such record be submitted to the  
178 department.

179 c. In order to check for these conditions, the department  
180 shall compile and maintain an automated database of persons who  
181 are prohibited from purchasing a firearm based on court records  
182 of adjudications of mental defectiveness or commitments to  
183 mental institutions.

184 (I) Except as provided in sub-sub-subparagraph (II),  
185 clerks of court shall submit these records to the department  
186 within 1 month after the rendition of the adjudication or  
187 commitment. Reports shall be submitted in an automated format.  
188 The reports must, at a minimum, include the name, along with any  
189 known alias or former name, the sex, and the date of birth of  
190 the subject.

191 (II) For persons committed to a mental institution  
192 pursuant to sub-sub-subparagraph b.(II), within 24 hours after  
193 the person's agreement to voluntary admission, a record of the  
194 finding, certification, notice, and written acknowledgment must  
195 be filed by the administrator of the receiving or treatment  
196 facility, as defined in s. 394.455, with the clerk of the court  
197 for the county in which the involuntary examination under s.  
198 394.463 occurred. No fee shall be charged for the filing under  
199 this sub-sub-subparagraph. The clerk must present the records to  
200 a judge or magistrate within 24 hours after receipt of the



201 records. A judge or magistrate is required and has the lawful  
202 authority to review the records ex parte and, if the judge or  
203 magistrate determines that the record supports the classifying  
204 of the person as an imminent danger to himself or herself or  
205 others, to order that the record be submitted to the department.  
206 If a judge or magistrate orders the submittal of the record to  
207 the department, the record must be submitted to the department  
208 within 24 hours.

209 d. A person who has been adjudicated mentally defective or  
210 committed to a mental institution, as those terms are defined in  
211 this paragraph, may petition the court that made the  
212 adjudication or commitment, or the court that ordered that the  
213 record be submitted to the department pursuant to sub-sub-  
214 subparagraph c.(II), for relief from the firearm disabilities  
215 imposed by such adjudication or commitment. A copy of the  
216 petition shall be served on the state attorney for the county in  
217 which the person was adjudicated or committed. The state  
218 attorney may object to and present evidence relevant to the  
219 relief sought by the petition. The hearing on the petition may  
220 be open or closed as the petitioner may choose. The petitioner  
221 may present evidence and subpoena witnesses to appear at the  
222 hearing on the petition. The petitioner may confront and cross-  
223 examine witnesses called by the state attorney. A record of the  
224 hearing shall be made by a certified court reporter or by court-  
225 approved electronic means. The court shall make written findings

226 of fact and conclusions of law on the issues before it and issue  
227 a final order. The court shall grant the relief requested in the  
228 petition if the court finds, based on the evidence presented  
229 with respect to the petitioner's reputation, the petitioner's  
230 mental health record and, if applicable, criminal history  
231 record, the circumstances surrounding the firearm disability,  
232 and any other evidence in the record, that the petitioner will  
233 not be likely to act in a manner that is dangerous to public  
234 safety and that granting the relief would not be contrary to the  
235 public interest. If the final order denies relief, the  
236 petitioner may not petition again for relief from firearm  
237 disabilities until 1 year after the date of the final order. The  
238 petitioner may seek judicial review of a final order denying  
239 relief in the district court of appeal having jurisdiction over  
240 the court that issued the order. The review shall be conducted  
241 de novo. Relief from a firearm disability granted under this  
242 sub-subparagraph has no effect on the loss of civil rights,  
243 including firearm rights, for any reason other than the  
244 particular adjudication of mental defectiveness or commitment to  
245 a mental institution from which relief is granted.

246 e. Upon receipt of proper notice of relief from firearm  
247 disabilities granted under sub-subparagraph d., the department  
248 shall delete any mental health record of the person granted  
249 relief from the automated database of persons who are prohibited  
250 from purchasing a firearm based on court records of

251 adjudications of mental defectiveness or commitments to mental  
252 institutions.

253 f. The department is authorized to disclose data collected  
254 pursuant to this subparagraph to agencies of the Federal  
255 Government and other states for use exclusively in determining  
256 the lawfulness of a firearm sale or transfer. The department is  
257 also authorized to disclose this data to the Department of  
258 Agriculture and Consumer Services for purposes of determining  
259 eligibility for issuance of a concealed weapons or concealed  
260 firearms license and for determining whether a basis exists for  
261 revoking or suspending a previously issued license pursuant to  
262 s. 790.06(10). When a potential buyer or transferee appeals a  
263 nonapproval based on these records, the clerks of court and  
264 mental institutions shall, upon request by the department,  
265 provide information to help determine whether the potential  
266 buyer or transferee is the same person as the subject of the  
267 record. Photographs and any other data that could confirm or  
268 negate identity must be made available to the department for  
269 such purposes, notwithstanding any other provision of state law  
270 to the contrary. Any such information that is made confidential  
271 or exempt from disclosure by law shall retain such confidential  
272 or exempt status when transferred to the department.

273 (b) Inform the licensee making the inquiry either that  
274 records demonstrate that the buyer or transferee is so  
275 prohibited and provide the licensee a nonapproval number, or

276 provide the licensee with a unique approval number.

277 (c)1. Review any records available to it to determine  
278 whether the potential buyer or transferee has been indicted or  
279 has had an information filed against her or him for an offense  
280 that is a felony under either state or federal law, or, as  
281 mandated by federal law, has had an injunction for protection  
282 against domestic violence entered against the potential buyer or  
283 transferee under s. 741.30, has had an injunction for protection  
284 against repeat violence entered against the potential buyer or  
285 transferee under s. 784.046, or has been arrested for a  
286 dangerous crime as specified in s. 907.041(5) (a) or for any of  
287 the following enumerated offenses:

- 288 a. Criminal anarchy under ss. 876.01 and 876.02.
- 289 b. Extortion under s. 836.05.
- 290 c. Explosives violations under s. 552.22(1) and (2).
- 291 d. Controlled substances violations under chapter 893.
- 292 e. Resisting an officer with violence under s. 843.01.
- 293 f. Weapons and firearms violations under this chapter.
- 294 g. Treason under s. 876.32.
- 295 h. Assisting self-murder under s. 782.08.
- 296 i. Sabotage under s. 876.38.
- 297 j. Stalking or aggravated stalking under s. 784.048.

298  
299 If the review indicates any such indictment, information, or  
300 arrest, the department shall provide to the licensee a

301 conditional nonapproval number.

302       2. Within 24 working hours, the department shall determine  
303 the disposition of the indictment, information, or arrest and  
304 inform the licensee as to whether the potential buyer is  
305 prohibited from receiving or possessing a firearm or ammunition.  
306 For purposes of this paragraph, "working hours" means the hours  
307 from 8 a.m. to 5 p.m. Monday through Friday, excluding legal  
308 holidays.

309       3. The office of the clerk of court, at no charge to the  
310 department, shall respond to any department request for data on  
311 the disposition of the indictment, information, or arrest as  
312 soon as possible, but in no event later than 8 working hours.

313       4. The department shall determine as quickly as possible  
314 within the allotted time period whether the potential buyer is  
315 prohibited from receiving or possessing a firearm or ammunition.

316       5. If the potential buyer is not so prohibited, or if the  
317 department cannot determine the disposition information within  
318 the allotted time period, the department shall provide the  
319 licensee with a conditional approval number.

320       6. If the buyer is so prohibited, the conditional  
321 nonapproval number shall become a nonapproval number.

322       7. The department shall continue its attempts to obtain  
323 the disposition information and may retain a record of all  
324 approval numbers granted without sufficient disposition  
325 information. If the department later obtains disposition

326 information which indicates:

327 a. That the potential buyer is not prohibited from owning  
328 a firearm or ammunition, it shall treat the record of the  
329 transaction in accordance with this section; or

330 b. That the potential buyer is prohibited from owning a  
331 firearm or ammunition, it shall immediately revoke the  
332 conditional approval number and notify local law enforcement.

333 8. During the time that disposition of the indictment,  
334 information, or arrest is pending and until the department is  
335 notified by the potential buyer that there has been a final  
336 disposition of the indictment, information, or arrest, the  
337 conditional nonapproval number shall remain in effect.

338 (3) In the event of scheduled computer downtime,  
339 electronic failure, or similar emergency beyond the control of  
340 the Department of Law Enforcement, the department shall  
341 immediately notify the licensee of the reason for, and estimated  
342 length of, such delay. After such notification, the department  
343 shall forthwith, and in no event later than the end of the next  
344 business day of the licensee, either inform the requesting  
345 licensee if its records demonstrate that the buyer or transferee  
346 is prohibited from receipt or possession of a firearm or  
347 ammunition pursuant to Florida and Federal law or provide the  
348 licensee with a unique approval number. Unless notified by the  
349 end of said next business day that the buyer or transferee is so  
350 prohibited, and without regard to whether she or he has received

351 a unique approval number, the licensee may complete the sale or  
352 transfer and shall not be deemed in violation of this section  
353 with respect to such sale or transfer.

354 (4)

355 (b) Notwithstanding ~~the provisions of~~ this subsection, the  
356 Department of Law Enforcement may maintain records of NCIC  
357 transactions to the extent required by the Federal Government,  
358 and may maintain a log of dates of requests for criminal history  
359 records checks, unique approval and nonapproval numbers, license  
360 identification numbers, and transaction numbers corresponding to  
361 such dates for a period of not longer than 2 years or as  
362 otherwise required by law.

363 (c) Nothing in this chapter shall be construed to allow  
364 the State of Florida to maintain records containing the names of  
365 purchasers or transferees who receive unique approval numbers or  
366 to maintain records of firearm or ammunition transactions.

367 (d) Any officer or employee, or former officer or employee  
368 of the Department of Law Enforcement or law enforcement agency  
369 who intentionally and maliciously violates ~~the provisions of~~  
370 this subsection commits a felony of the third degree punishable  
371 as provided in s. 775.082 or s. 775.083.

372 (6) Any person who is denied the right to receive or  
373 purchase a firearm or ammunition as a result of the procedures  
374 established by this section may request a criminal history  
375 records review and correction in accordance with the rules

376 promulgated by the Department of Law Enforcement.

377 (8) The Department of Law Enforcement shall promulgate  
378 regulations to ensure the identity, confidentiality, and  
379 security of all records and data provided pursuant to this  
380 section.

381 (10) A licensed importer, licensed manufacturer, or  
382 licensed dealer is not required to comply with the requirements  
383 of this section in the event of:

384 (a) Unavailability of telephone service at the licensed  
385 premises due to the failure of the entity which provides  
386 telephone service in the state, region, or other geographical  
387 area in which the licensee is located to provide telephone  
388 service to the premises of the licensee due to the location of  
389 said premises; or the interruption of telephone service by  
390 reason of hurricane, tornado, flood, natural disaster, or other  
391 act of God, war, invasion, insurrection, riot, or other bona  
392 fide emergency, or other reason beyond the control of the  
393 licensee; or

394 (b) Failure of the Department of Law Enforcement to comply  
395 with the requirements of subsections (2) and (3).

396 (11) Compliance with ~~the provisions of~~ this chapter shall  
397 be a complete defense to any claim or cause of action under the  
398 laws of any state for liability for damages arising from the  
399 importation or manufacture, or the subsequent sale or transfer  
400 to any person who has been convicted in any court of a crime



401 punishable by imprisonment for a term exceeding 1 year, of any  
402 firearm or ammunition which has been shipped or transported in  
403 interstate or foreign commerce. The Department of Law  
404 Enforcement, its agents and employees shall not be liable for  
405 any claim or cause of action under the laws of any state for  
406 liability for damages arising from its actions in lawful  
407 compliance with this section.

408 (12) (a) Any potential buyer or transferee who willfully  
409 and knowingly provides false information or false or fraudulent  
410 identification commits a felony of the third degree punishable  
411 as provided in s. 775.082 or s. 775.083.

412 (b) Any licensed importer, licensed manufacturer, or  
413 licensed dealer who violates ~~the provisions of~~ subsection (1)  
414 commits a felony of the third degree punishable as provided in  
415 s. 775.082 or s. 775.083.

416 (c) Any employee or agency of a licensed importer,  
417 licensed manufacturer, or licensed dealer who violates ~~the~~  
418 ~~provisions of~~ subsection (1) commits a felony of the third  
419 degree punishable as provided in s. 775.082 or s. 775.083.

420 (d) Any person who knowingly acquires a firearm or  
421 ammunition through purchase or transfer intended for the use of  
422 a person who is prohibited by state or federal law from  
423 possessing or receiving a firearm or ammunition commits a felony  
424 of the third degree, punishable as provided in s. 775.082 or s.  
425 775.083.

426           (14) This section does not apply to employees of sheriff's  
427 offices, municipal police departments, correctional facilities  
428 or agencies, or other criminal justice or governmental agencies  
429 when the purchases or transfers are made on behalf of an  
430 employing agency for official law enforcement purposes.

431           **Section 3.** This act shall take effect October 1, 2025.