

Amendment No. 13

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WITHDRAWN _____ (Y/N)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 Oliva offered the following:

3
4 **Amendment**

5 Remove lines 488-616 and insert:

6 (c) For the purchase of a rifle or shotgun, upon
7 successfully completing a hunter safety course and possessing a
8 hunter safety certification card issued under s. 379.3581. A
9 person who is exempt from the hunter safety course requirement
10 under s. 379.3581 and holds a valid Florida hunting license as
11 of March 1, 2018, is exempt from the 3-day waiting period under
12 this section for purchase of a rifle or shotgun.

13 (d) When a rifle or shotgun is being purchased by a law
14 enforcement officer or correctional officer, as defined in s.
15 943.10, or a person on active duty in the Armed Forces of the
16 United States or full-time duty in the National Guard.

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

19 (a) For any retailer, or any employee or agent of a
20 retailer, to deliver a firearm handgun before the expiration of
21 the 3-day waiting period, subject to the exceptions provided in
22 subsection (2).

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

25 Section 8. Section 790.0656, Florida Statutes, is created
26 to read:

27 790.0656 Seizure of firearms from persons subject to
28 involuntary examination.-

29 (1) A law enforcement agency taking custody of a person who
30 meets the criteria for involuntary examination under s. 394.463
31 and who makes a credible threat of violence against another
32 person shall seize each firearm and ammunition owned by the
33 person that is in his or her possession, custody, or control.
34 The law enforcement agency shall report the date and time of the
35 start of the involuntary examination period to the Department of
36 Law Enforcement. The department shall include the person's name,
37 age, date of birth, last known address, the date and time of the
38 beginning of the involuntary examination period, and the date
39 and time of the maximum duration of the involuntary examination
40 period in the Florida Crime Information Center database.

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41 (2) The law enforcement agency shall hold each firearm and
42 ammunition for 72 hours, and return the property to the person
43 within seven days of the expiration of that time period unless a
44 temporary injunction has been issued under subsection (3), and
45 subject to the policies and procedures developed by the law
46 enforcement agency under subsection (6). The person may not own,
47 possess, or purchase a firearm during the 72-hour period. If the
48 person is adjudicated mentally defective or committed to a
49 mental institution, as each of those terms is defined in s.
50 790.065(2)(a)4., following the involuntary examination under s.
51 394.463, the agency shall retain each firearm and ammunition
52 indefinitely until a court of competent jurisdiction orders the
53 person's relief from firearm ownership disability, allowing him
54 or her to possess or purchase a firearm.

55 (3)(a) Before the expiration of the 72-hour period, the
56 law enforcement agency may petition a court of competent
57 jurisdiction for an ex parte temporary injunction to retain each
58 firearm and ammunition for 60 days upon showing by clear and
59 convincing evidence that the person remains a credible threat of
60 committing violence against another person. In determining
61 whether there is such clear and convincing evidence, the court
62 shall consider all relevant factors, including, but not limited
63 to:

64 1. Whether the person has:

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- 65 a. A history of threats, harassment, stalking, physical
66 abuse, or violence.
- 67 b. A criminal history involving violence or the threat of
68 violence.
- 69 c. Intentionally attempted to harm or intentionally harmed
70 another person.
- 71 d. Threatened to harm, either orally or in writing,
72 another person.
- 73 e. Used, or has threatened to use, any weapons such as
74 firearms or knives in a violent manner.
- 75 f. Intentionally and unlawfully injured or killed an
76 animal.
- 77 2. The person's medical and mental health history.
- 78 3. The person's school disciplinary history.
- 79 (b) The clerk of the court shall furnish a copy of the
80 temporary injunction to the sheriff or a law enforcement agency
81 of the county where the person resides or can be found, who
82 shall serve it upon the person as soon thereafter as possible.
83 Notwithstanding any other provision of law, the chief judge of
84 each circuit, in consultation with the appropriate sheriff, may
85 authorize a law enforcement agency within the jurisdiction to
86 effect service. A law enforcement agency serving an injunction
87 pursuant to this subsection shall use service procedures
88 consistent with those of the sheriff.

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89 (c) The law enforcement agency that obtains the temporary
90 injunction shall report the date and time of issuance and
91 person's identifying information, including his or her name,
92 age, date of birth, and last known address, to the Department of
93 Law Enforcement. The department shall include such information
94 in the Florida Crime Information Center database. A person
95 subject to a temporary injunction under this subsection may not
96 own, possess, or purchase a firearm while the injunction is in
97 effect.

98 (4) At the expiration of the 60-day period, the agency
99 shall return each firearm and ammunition to the person within
100 seven days, subject to the policies and procedures developed
101 under subsection (6). The law enforcement agency may petition
102 the court for one 60-day extension of the temporary injunction
103 upon showing by clear and convincing evidence that the person
104 presents a continuing credible threat of committing violence
105 against another person. The court shall consider the factors in
106 subsection (3) when deciding an extension of the temporary
107 injunction.

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

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113 (6) Law enforcement agencies shall develop policies and
114 procedures for seizing, storing, and returning firearms and
115 ammunition under this section, and may not charge a fee for
116 seizing, storing, or returning any firearm or ammunition under
117 this section.

118 Section 9. Section 790.0657, Florida Statutes, is created
119 to read:

120 790.0657 Possession of firearms or ammunition prohibited.-

121 (1) A person adjudicated mentally defective or committed to
122 a mental institution, as those terms are defined in s.
123 790.065(2)(a)4., may not own, possess or purchase a firearm or
124 ammunition unless he or she has obtained relief from firearm
125 ownership disability from a court of competent jurisdiction. A
126 person may not petition for such relief until 60 days after his
127 or her release from involuntary commitment under part I of ch.
128 394.

129 (2) A person who violates this section shall forfeit each
130 firearm and ammunition in his or her possession, custody, or
131 control to a law enforcement agency. If a person fails to
132 forfeit his or her firearm and ammunition as required under this
133 section, a law enforcement agency shall seize such property and
134 retain it indefinitely until ordered to return it by a court.
135 Law enforcement agencies shall develop policies and procedures
136 for seizing, storing, and returning firearms and ammunition
137 under this section.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB APC 18-06 (2018)

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138 | Section 10. Effective October 1, 2018, section 790.222,
139 | Florida Statutes, is created

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