

Florida Department of Law Enforcement

Enforcement



Firearm Purchase Program

Firearm Dealers Manual



March 2018

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Introduction

Florida State Statute 790.065 requires all Federal Firearm Licensees (FFLs) which may include firearm dealers, manufacturers, and importers in Florida to contact the Florida Department of Law Enforcement (FDLE) before transferring any firearm to an individual who is not also an FFL. This statute established the Firearm Purchase Program (FPP), a section of the Florida Department of Law Enforcement.

FPP accepts calls and on-line submissions from licensed firearm dealers who provide information about the potential buyer. FPP runs a background check on the potential buyer to determine his or her eligibility to purchase a firearm and informs the seller of the final decision (whether the buyer is or is not eligible to make the purchase).

The mission of the Firearm Purchase Program is to serve the public by ensuring law-abiding citizens and eligible visitors are able to legally obtain firearms while preventing purchases by individuals who are disqualified.

As with any program, success relies on the strength of the partnership. FPP welcomes open communication from program participants and encourages contact whenever there is issue of any kind to include identifying and resolving problems and suggestions for future enhancement.

FPP may be contacted in writing or by calling:

Florida Department of Law Enforcement
Firearm Purchase Program
PO Box 1489
Tallahassee, FL 32302-1489

FirearmPurchasing@fdle.state.fl.us

(850) 410-8139 or (850) 410-8140.

Dealers with questions regarding billing should contact:

Florida Department of Law Enforcement
Office of Finance and Accounting
PO Box 1489
Tallahassee, FL 32302-1489

(850) 410-7156

Firearm Purchase Program Procedures

Enrolling

The United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is responsible for the licensing process whereby individuals apply for a Federal Firearms License (FFL). Prior to participation in the Firearm Purchase Program, federally licensed firearm dealers, manufacturers and importers that have been approved by ATF and assigned an FFL number must submit a Dealer Information form to FDLE FPP.

The request may be made online through the Firearm Eligibility System (FES) or by phone by calling FPP Customer Service line at 850-410-8139. To submit via FES, you must have a computer with internet access.

1. Open a web browser page (Internet Explorer, Chrome, Firefox, etc). In the address bar at the top of the page, type the following link: <https://fes.fdle.state.fl.us>
2. Click the link for New Dealer Request (below the login and password buttons).

FDLE
FLORIDA DEPARTMENT OF
LAW ENFORCEMENT

Firearm Eligibility System

Login

User ID:

Password:

Login

[Forgot Password](#) [Change Password](#)

New Dealer? Submit your **Dealer Registration Form** to enroll with FDLE FPP.
Forgot User ID? Please Contact FDLE.

Contact Us
Phone: (850)-410-8139 || Email: Firearm purchasing@fdle.state.fl.us
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3. Fill out the form with the information requested:

Dealer Information

FFL #

FFLE or USL #

Email ID #

FFL Expiry Date #

Security #

Business Information

Business Name #

Address Line1 #

City #

Zip #

License Number #

Address Line2 #

State #

County #

Business Contact

Phone # Ext. #

Cell #

Other #

Email #

Business Hours

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Close	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Billing Information

Same as Business Address

Address Line1 #

City #

Zip #

Address Line2 #

State #

Mailing Information

Billing Agent Name #

Same as Business Address

Line1 #

City #

Zip #

Attention #

Line2 #

State #

Phone # Ext. #

Cell #

Other #

Email #

4. If you have any questions about the form or need assistance filling it out, or if you would rather complete the enrollment process via phone, please call 850-410-8139 and you will be forwarded to someone who can assist you. Please have your FFL#, address, and business phone number when you call.
5. Once you have been successfully enrolled as a Florida firearm dealer, you will be issued a unique ID number between 3-6 digits long. This is the number you will use when processing customer background checks through FPP. This unique ID number is used to bill the cost of transactions to the appropriate dealer. Each dealer is responsible for maintaining the confidentiality of this assigned number. Contact FDLE FPP at 850-410-8139 if you believe the number has been or is being used improperly. You may choose to establish a PIN number to as an additional security measure.
6. A dealer support representative will contact you to arrange a date and time to complete training for the Firearm Eligibility System (FES) so you may submit background check transactions via the internet. This opportunity will be extended to you even if you plan to begin by phoning in your transactions. Given the ease, simplicity and additional features of on-line submissions, at some future point you may choose to begin submitting transactions on-line rather than tying up a phone line to call in your customer's background checks.

Submitting a Transaction

The Firearm Purchase Program (FPP) has established a dedicated phone line for dealers who choose to submit background check transactions via the phone.

1-800-226-2191

In Tallahassee/Leon County,

the local number is **850-410-8100**

This toll free number is for background check and follow-up (final decision) responses only. Calls received on this line may be recorded and those resulting in background checks will be charged the appropriate fee. Request for information or questions regarding a specific transaction (after a final decision has been made and communicated to you) should be directed to FPP via the customer service line at 850-410-8139 or 850-410-8140.

Before transferring a firearm to a customer, the dealer shall:

1. Have the customer (buyer or person redeeming a pawn) complete the ATF form F-4473. The completion of this form must comply with Title 27, Code of Federal Regulations, Section 178.124 and section 790.065, Florida Statutes.
2. Personally review the customer's identification document(s):
 - a. The dealer will review the required government-issued photo identification provided by the buyer to establish the buyer's identity as required by state and federal regulations. The document(s) provided by the buyer must together contain name, residence address, race, sex, date of birth/age, and signature. The dealer is required to compare the information on the identification documents and the ATF F-4473 form to ensure the information on the form is accurate.
 - b. A member of the Armed Forces on active duty is a resident of the state of permanent duty station and may satisfy the identification document requirement by presenting military identification along with official orders indicating his/her permanent duty station is within Florida.
3. The dealer will review the ATF F-4473 form and determine if the buyer appears to be eligible to purchase a firearm. If the buyer is not eligible to buy/trade/redeem, the transaction ends at this point. If the buyer appears to be eligible, the dealer will proceed and advise the buyer of the requirement to conduct a background record check. The only exceptions to the background check requirement are:
 - a. Record checks are not required for firearms brought in for warranty replacement or repairs if pickup by within one year by the same individual who brought in the firearm.
 - b. Record checks are not required for a firearm rented for a single purpose and maintained on the premises of the rental agency (example: skeet shooting, plantation hunting, etc.).
 - c. Firearms purchased by law enforcement *agencies* are exempt from the record check requirement; however, individual law enforcement officers, correctional officers and probation officers must have a background record check conducted when purchasing a firearm.
4. Before the transfer, the dealer will collect the non-refundable processing fee of \$5 from the buyer. Taxes should not be charged on this fee. The fee should be collected BEFORE submitting the background check. Once the record check is started, the DEALER WILL BE CHARGED. The charge occurs whether or not the firearm is transferred – even if the buyer changes his/her mind. The DEALER, not the prospective buyer, is responsible for payment to the FDLE.
5. The dealer calls the toll-free number and requests the required record check or submits the customer information online via the Firearm Eligibility System.

6. The FPP technician answering the call will request the dealer number, business name, and PIN number (if one has been established). The technician will then prompt the dealer for customer information. The call may be discontinued if the identifying information supplied is incorrect, incomplete, or raises a reasonable doubt about the legitimacy of the call.
7. The dealer will provide the buyer's name, race, sex, and date of birth, citizenship, place of birth, social security number (optional), UPIN number (if applicable) and state of residency. All of this data is located on the ATF F-4473 and should have already been verified against a valid government-issued photo ID and readily accessible by the dealer. If the dealer cannot provide the information, FDLE will not process the request.
8. Customers **MUST** be 21 years of age to purchase a firearm. Customers who are at least 18 but less than 21 may purchase a rifle or shotgun if they are an active duty law enforcement officer, correctional officer, or United States Servicemember.
9. The social security number of buyer is optional and the dealer should advise the buyer that he/she may voluntarily provide the number if they choose. If provided, FDLE will use the social security number to prevent misidentification. If the number is obtained, it should be recorded on the ATF F-4473. It is especially helpful when the potential buyer has a common name.
10. With the information provided, FPP will conduct a record check of state and national record systems. Based on the findings, the technician will provide the dealer with a control number and a final decision. FPP does not release any actual criminal history record information to the dealer or the buyer over the telephone.
WARNING: THE DEALER SHOULD NOT REVEAL TO ANY PERSON OTHER THAN THE BUYER, THE RESULTS OF A RECORD CHECK. DISCLOSURE OF A NON-APPROVAL OR DECISION PENDING STATUS COULD IMPLY THE EXISTENCE OF A CRIMINAL RECORD.
11. If an approval number was issued, the dealer may complete the sale. The approval number is valid for a single transaction within thirty calendar days, whichever occurs first. Multiple firearms may be transferred within a single transaction. Each single transaction requires a single background record check.
The approval number expires upon use. Once the transaction is completed (firearm(s) are transferred), if the customer returns later for an additional transaction (within hours or within days), a separate background record check must be completed.
NOTE: There is a three-day waiting period between the purchase at retail and delivery of **all firearms**. Additional information on this waiting period is provided later in this guide.
12. The control number provided to the dealer by the FPP technician must be recorded on the ATF F-4473 form.

13. If the transaction results in a Non-Approval , the sale cannot be completed. The dealer must advise the buyer of his right to appeal the decision to FDLE within 60 days. If the buyer indicates he/she wants to appeal, the dealer will provide the buyer with an appeal form and fill in the dealer's section at the top of the form. If the buyer appeals and the non-approval is overturned, the buyer will receive a letter notifying him/her that he/she may purchase a firearm from a dealer of his/her choice who may then complete the transfer without an additional records check. The letter will have an expiration date and the transfer must be completed within 30 days of this date. FFLs are required to verify the buyer's identity and maintaining the federally required record of the transfer.

Firearm Eligibility System (FES)

Firearm dealers may choose to expedite transactions by using the online Firearm Eligibility System (FES) to submit requests for background checks on potential firearm purchasers. Only the firearm dealer or authorized employees may view and use the FES application. Customers are NOT ALLOWED to view the screens or type their own data. Dealers found in violation will have their access suspended.

Dealers receive personalized training before accessing the FES system. An FPP representative will provide you with a copy of the user guide and will walk you through each screen over the phone. Dealers have the ability to add and delete additional users, submit transactions at any time and view updated transaction status freeing time spent on hold or standing by waiting for a decision over the phone and allowing your phone line to be available to your customers and staff.

Decision Codes

Based on the findings of the background record check, the FPP technician will provide the dealer with a control number and a final decision. The final decision will add characters to the end of the control number. The possible final decisions and their meanings are listed below:

- Approval – the transfer of the firearm may proceed. There were no disqualifying records found in the background check process. The control number will end in “A”.
- Non-Approval – there is a record on file matching the subject's information indicating the individual is prohibited from purchasing or possessing a firearm. A non-approval is issued for the following disqualifiers:
 - Felony conviction;
 - Under indictment or information for a felony;
 - Adjudication withheld on a felony or domestic violence related charge where 3 years has not yet lapsed since the sentencing provisions have been completed;
 - Fugitive from justice;
 - Adjudicated mentally defective or has been committed to a mental institution;
 - Illegal aliens or aliens admitted to the US under a nonimmigrant visa and do not meet a Federal exception;
 - Convicted of a misdemeanor crime of domestic violence;
 - Respondent of active injunction for protection (protection order, restraining order, etc.);

- Dishonorably discharged or convicted of desertion from the United States Military;
- Unlawful current users of or addicted to controlled substances;
- Renounced US Citizenship;
- Recent arrest (within the past six months) for a “dangerous crime” or “enumerated offense” and the case has not been disposed in court;
- Found to have committed a delinquent act in any state, territory or country that would be a felony if committed by an adult and which was punishable by imprisonment for a term exceeding one year and such person is under 24 years of age and the record has not been expunged;
- Decision Pending - There is a record that may belong to the customer and/or may contain a disqualifier and more research is needed. A control number will be given once research is completed.
 - Dealers may check the Firearm Eligibility System (FES) for an updated status or may call the toll-free number to request a check of the status.
 - The weapon may only be released once research is complete and the transaction has been given a control number and a final decision of Approval.

Appeal Instructions

A buyer receiving a non-approval will have the right to formally appeal within 60 days. A non-approval means that the buyer’s identification information matched an individual whose record meets the non-approval criteria.

If the buyer believes he or she is not the individual whose record is on file or the record is incorrect, he or she should follow these appeal guidelines.

The dealer should complete the dealer’s portion of the form providing the following:

Dealer Name: If a business, provide the registered business name. If not a business, provide the licensee’s name in Last, First, Middle order. This should be the name provided on the Dealer Identification Form.

Non-Approval Number: Provide the complete number as given by the FDLE technician including the letter following the number.

Date of Non-Approval: The date the non-approval number was provided by the FDLE technician. This should be provided in month, day, year (MM/DD/YYYY) order.

Buyer’s Name: Provide the buyer’s complete name as found on the identification presented. The name should be provided in Last, First, Middle order.

Date of Birth: Provide the buyer’s date of birth in month, day, year (MM/DD/YYYY) order.

Social Security Number: If the buyer has provided this information, include it in the area provided. The buyer cannot be required to provide this information.

The buyer should complete the remaining portion of the form. Once the form has been completed, the buyer should go to a law enforcement agency and be fingerprinted on an FBI

Applicant Fingerprint Card (FD-258) or on the appeal form itself. The completed appeal form and fingerprint card should then be sent to the FDLE by the buyer as explained on the form itself. The form must be received by FDLE within 60 days of the date of transaction.

The FDLE will process the appeal request and advise the buyer of its findings in writing. If the buyer is advised that his or her request is non-approved and he or she wishes to pursue his non-approval further, he or she should follow the procedures as outlined in Rule 11C-8, Florida Administrative Code (copy available through FDLE). This rule explains how a person can obtain a copy of his or her Florida criminal record and request correction of any errors.

If the buyer is advised by FDLE that he/she is approved to purchase a firearm, an approval letter will be mailed to the buyer. The letter is printed on original FDLE letterhead and contains the control number and expiration date. The letter should be taken to a dealer of the buyer's choice, within the time period established in the letter, to complete the transfer of the firearm. The dealer must attach the notification to the ATF F-4473 Form, but need not call to request another records check for this transaction.

An example of the form is printed on the following pages. Do not use this form for appeals. Appeal forms are available by request through FDLE or available electronically via the Internet.

NOTE: After the sale has been completed the dealer will attach and maintain the approval letter with the ATF F-4473 Form.

PLEASE TYPE OR PRINT

TO BE COMPLETED BY DEALER:

_____ Dealer Name	_____ Non-Approval #	_____ Date of Non-Approval
_____ Buyer's Name		

TO BE COMPLETED BY BUYER:

*Mailing Address (Please indicate the address you would like your letter mailed to)

_____ *City, State, and Zip Code	_____ *Telephone #
_____ *Place of Birth	_____ *Non U.S. Citizens: Alien Registration Number (or Admissions Number)

*Required fields. Failure to complete any required field may result in a rejection.
Please use the above information to conduct a criminal history check.

_____ *Signature	_____ *Date
---------------------	----------------

**LAW ENFORCEMENT USE:
OFFICIAL TAKING FINGERPRINTS**

**TO BE COMPLETED BY BUYER / PERSON
BEING FINGERPRINTED**

NAME: _____	*NAME: _____
BADGE #: _____ AGENCY: _____	*SOC. SEC. #: _____
TELEPHONE #: _____	*DOB: _____ *RACE: _____ *SEX: _____

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little	
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little	
Left Four Fingers Taken Simultaneously		L. Thumb	R. Thumb	Right Four Fingers Taken Simultaneously	

Mail form to the FDLE Firearm Purchase Program, P.O. Box 1489, Tallahassee, FL 32302-1489.

FIREARM PURCHASE PROGRAM NON-APPROVAL FORM

All individuals not approved to purchase a firearm have the right to appeal their non-approval. The non-approval indicated that either you or an individual with a similar name and identification features meets the criteria for non-approval. If you believe that you are not the individual whose record is on file or your criminal history is incorrect and you want to appeal your non-approval to buy a firearm, **you must submit this completed form and be fingerprinted.**

The fingerprinting must be done by a law enforcement agency. Many of the local agencies charge for this service, and you will be required to pay this fee. When you are fingerprinted, you must provide identification (Florida driver's license, or other official identification containing a photograph) to the law enforcement agency before being fingerprinted. The law enforcement agency will use this identification information to complete the fingerprint portion of the form.

After completing this form and being fingerprinted, mail the form to the **FDLE Firearm Purchase Program, P.O. Box 1489, Tallahassee, FL 32302-1489**, for a complete record check. There is no fee for this service from FDLE. If the record check establishes that you are eligible to purchase a firearm, a letter will be forwarded to you with an approval number. The original letter must be given to the dealer of your choice and will be maintained by the dealer as part of the record of the transaction.

The appeal must be filed within 60 days from the issuance of the non-approval. In order for FDLE to process your appeal after 60 days, a licensed firearm dealer must conduct another record check.

Alternatively, you may request the FBI National Instant Background Check System (NICS) to process your appeal, after 60 days, to do this, contact the FBI at 1-877-324-6427.

APPEAL FORM INSTRUCTIONS

When a buyer receives a non-approval or a pending non-approval, he/she will have the right to appeal formally. A non-approval means that the buyer's identification information matched an individual whose record meets the non-approval criteria. If the buyer believes he/she is not the individual, whose record is on file or his/her criminal history is incorrect, he/she should follow these appeal guidelines.

The dealer should complete the dealer's portion of the form providing the following:

Dealer Name: This should be the name provided on the Dealer Information Form

Non-Approval Number: Provide the complete number as given by the FDLE operator including the letter following the number

Date Non-Approved: Date the Non-Approval number was provided by FDLE (MM/DD/YYYY) order.

Buyer's Name: Provide the buyer's complete name as found on the identification presented.

The buyer should complete the remaining portion of the form. Once the form has been completed, the buyer should go to a law enforcement agency and be fingerprinted on the fingerprint form on the back of this form. The completed appeal form, including the fingerprints, should then be sent to the FDLE by the buyer as explained on the form itself.

The FDLE will process the appeal request and advise the buyer of its findings in writing. If the buyer is advised that his/her request is non-approved and he/she wishes to pursue his/her non-approval further, he/she should follow the procedures as outlined in Chapter 11C-8, Florida Administrative Code (copy available). If the buyer is advised by FDLE that he/she is approved to purchase a firearm, that notification must be taken to the dealer of his/her choice, within the time period established in the letter, to purchase a firearm. The dealer must attach the original notification to the ATF 4473 Form. But need not call to request another record check for this transaction.

To check the status of an appeal, contact the Firearm Purchase Program at (850) 410-8139.

The completion time of appeals varies depending on the amount of information that must be verified with other agencies. Once your appeal has been completed, a written response will be mailed to:

**FDLE, Firearm Purchase Program
P.O. Box 1489
Tallahassee, FL 32303-1489**

Mandatory 3-day Waiting Period for Firearms

F.S. 790.0655 requires a three working-day waiting period between the purchase at retail and delivery of all firearms. Exceptions to the three day waiting period are:

- When a firearm is being purchased by a holder of a valid concealed weapons permit as defined in s. 790.06
- The purchase of a rifle or shotgun upon a person's successfully completing a minimum of a 16-hour hunter safety course and possessing a hunter safety certification card issued under s. 379.3581 and holds a valid Florida hunting license
- When a rifle or shotgun is being purchased by a law enforcement officer, correctional officer, or a servicemember
- The trade of another firearm

The waiting period for firearms will begin with the purchase, which is the transfer of money or other valuable consideration to the retailer. The dealer should advise the buyer when the three-day waiting period will end.

When the buyer returns, the dealer will pull the partially completed ATF F-4473 Form. The dealer must ask the buyer to review Section A and sign and date again if the information is still correct. The dealer must complete Section B and sign and date the form. The dealer must verify the buyer's identity again by inspecting photo identification. Title 27, Code of Federal Regulations, Section 178.124(c), requires the establishing of identification and completion of Section B at the time of transfer.

Please note that this procedure is different from previous ATF instructions concerning the signing of the ATF F-4473 Form. The State of Florida has been working with ATF, and the procedure outlined here has been approved for documenting the waiting period between the first and second signatures of the buyer. The two signatures will supply accountability for the information provided for the record checks and again at the actual time of transfer of the firearm. The physical transfer must take place before the expiration of the approval number (thirty calendar days).

Since the three-day waiting period is separate from and in addition to the FPP background record check, persons who require clarification regarding the three day wait must contact the State Attorney's Office in their jurisdiction, the Florida Attorney General's Office at (850) 414-3300, or the local Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Office.

Florida Constitution Article 8, Section 5 states that each county shall have the authority to require a criminal history records check and a 3 to 5-day waiting period, excluding weekends and legal holidays, in connection with the sale of any firearm occurring within such county. Licensed dealers should contact their County Commissions to ensure compliance with any local ordinances that may apply. For purposes of this subsection, the term "sale" means the transfer of money or other valuable consideration for any firearm when any part of the transaction is conducted on property to which the public has the right of access. Holders of a concealed weapons permit as prescribed by general law shall not be subject to the provisions of this subsection when purchasing a firearm.

Florida Department of Law Enforcement

Firearm Purchase Program

REQUIREMENTS FOR BACKGROUND CHECK & 3-DAY WAIT

This chart outlines which purchasers must have the background check and which purchasers must wait three days.

PURCHASE/CUSTOMER TYPE	BACKGROUND CHECK?	3-DAY WAIT?
HANDGUN	YES	YES
LONG GUN	YES	YES
Concealed Weapon Permit Holder – HANDGUN	YES	NO
Concealed Weapon Permit Holder – LONG GUN	YES	NO
Certified Law Enforcement Officer – HANDGUN	YES	YES
Certified Law Enforcement Officer – LONG GUN	YES	NO
Certified Law Enforcement Officer AGENCY PURCHASE – HANDGUN	NO	YES
Certified Law Enforcement Officer AGENCY PURCHASE – LONG GUN	NO	NO
Trade In – HANDGUN for HANDGUN	YES	NO
Trade In – HANDGUN for LONG GUN	YES	NO
Trade In – LONG GUN for HANDGUN	YES	NO
Trade IN – LONG GUN for LONG GUN	YES	NO
Repair or exchange under warranty – HANDGUN	NO	NO
Repair or exchange under warranty – LONG GUN	NO	NO
Pawn Redemption* – HANDGUN	YES	NO
Pawn Redemption* – LONG GUN	YES	NO

* If the redemption occurs after 90 days, FDLE must conduct the background check. If the redemption occurs prior to 90 days, then the required check at the time of redemption of the pawned firearm may be conducted by either FDLE or the FBI. If FDLE conducts the check, there will be a \$5 fee. If the FBI conducts the check, there will not be a fee.

Billing Procedures

Each month, the FDLE will provide the dealer with an invoice of the fees due. The invoice will provide a record of all background checks made by the dealer during that billing period. The invoice will include an invoice number and payment coupon. The invoice number must be associated with the payment in order for the payment to be properly applied. The payment must be received by the FDLE by the due date on the invoice. The envelope provided with the invoice should be used for mailing the payment. Only checks, money orders, or cashier's checks made payable to FDLE will be accepted. Checks must be in U.S. dollars only.

If a check is returned to the FDLE for any reason, a charge as defined in section 215.34, Florida Statutes, will be added to the dealer's invoice for the next billing period.

As outlined in Rule 11C-6, F.A.C., nonpayment of any portion of the required fees will result in the services provided by the FDLE being stopped until such fees are paid in full. All payments received will be applied to the oldest outstanding invoice first. *Failure of the dealer to comply with the duties imposed at section 790.065(1), Florida Statutes, may be a 3rd degree felony.*

The billing program allows for consolidated billing for franchises or branch stores. This is done by combining individual Dealer Identification Numbers under a Master Identification Number. This should have been completed at the time the Dealer Information Forms were submitted. If your dealership is consolidated, it will be necessary for you to advise FDLE when a new identification number is being requested or any inquiries are made about your account.

If you have any questions regarding an invoice that you have received from the FDLE, you should call the FDLE Office of Finance and Accounting at (850) 410-7156, between the hours of 9:00 a.m. and 5:00 p.m., Eastern Time.

Dealer Status

If for any reason the status of the dealer's ATF Federal Firearms License changes, including renewals, the dealer must notify the FDLE immediately. The number to call and report these changes is (850) 410-8139 or (850) 410-8140. Failure to report any status changes will result in suspension of dealer number until rectified.

If the dealer fails to renew or stops being a dealer, he or she must comply with all the federal requirements of turning over the records and business books that have been maintained.

The dealer will remain responsible for all calls made using his or her Dealer Number until the FDLE has been notified in writing to cancel the number.

Computer Issues and Resolutions

FDLE makes every attempt to maintain continuous service between firearm dealers, FPP, and the state and national criminal record systems used to process background record checks. Rarely, you may receive an unexpected phone message indicating FPP staff is not available. Generally speaking, this will occur only in the event of a fire alarm or other emergency that may force the evacuation of the building. All effort is made to maintain the availability of the Firearm Eligibility System (FES) for on-line dealer access at all times with an emphasis on the hours of regular operation (9am-9pm daily).

Rarely, FPP may experience an issue with one of the state or national systems used to process background record checks. In the event of technical issues, the dealer will be given an estimate of the length of time the system will be out of service. This estimate is in good faith. This does not mean that the delay will not be longer. The Dealer will provide the information on the prospective buyer to the FDLE technician. Once the system comes up, the record checks will be made and the dealer will be called and provided an approval or non-approval number. The period allowed for this type of delay is the end of the next working day (see glossary of terms). If the dealer has been available, and a response has not been received during the time frames defined above, the dealer should contact the FPP to follow up before releasing the firearm. The dealer may login to FES or use the toll-free number to request follow-up information on these record checks.

Dealer's Records Maintenance

To prevent duplication in keeping records, the FDLE accepts and uses the ATF F-4473 as the State form for processing criminal record checks. The dealer requirement to maintain approval forms is outlined by federal law. Non-approvals will be maintained for a period of five years.

FPP will provide access to non-approval records for all federal, state, county and municipal law enforcement agencies in connection with their official duties.

FAX Record Check Procedures

Dealers may choose to fax customer information for the purpose of a background record check. Faxes may be sent at any time but will be picked up for processing between the hours of 9 a.m. - 9 p.m., Eastern Time. The fax telephone number is (850) 410-8138.

Fill out the customer information section of the FPP Fax Form in its entirety. In case of questions, please provide a contact person on the Fax Form.

- The Firearm Purchase Program will have 2 days to respond to faxed information.
- If the Firearm Purchase Program has not responded by 5 p.m. on the second day, the dealer should call to confirm the status. These calls should be directed to either (850) 410-8139 or (850) 410-8140.
- The number is valid for 30 calendar days starting when FPP sends the fax back to the dealer.
- FPP assumes the dealer has received faxed responses. It is the dealer's responsibility to follow up on any faxed request if the response is not received within the expected time frame.

Penalties

Any person not complying with the specified requirements of section 790.065, Florida Statutes, commits a felony of the third degree. The following acts are made criminal in the statute:

1. Any FDLE employee or former employee who intentionally and maliciously violates the provisions of subsection (4) of section 790.065, Florida Statutes;
2. Any potential buyer who willfully and knowingly provides false information or false or fraudulent identification;
3. Any licensed importer, manufacturer or dealer who violates the provisions of subsection (1) of section 790.065, Florida Statutes;
4. Any employee or agent of a licensed importer, manufacturer or dealer who violates the provisions of subsection (1) of section 790.065, Florida Statutes;
5. Any person who knowingly acquires a firearm for an individual who is prohibited by state or federal law from possessing or receiving a firearm. (This also violates provisions of federal law.) This is commonly referred to as a “*strawman transaction*.” Contact your local ATF office for more information on this type of prohibited transaction.

Frequently Asked Questions

1. **Question: When is the Firearm Purchase Program record checks telephone line operational?**

Answer: *7 days a week, 12 hours daily - 9:00 a.m. to 9:00 p.m., Eastern Time, with the exception of Christmas Day and New Year's Day.*

2. **Question: What is the cost of having the FPP complete a record check for the purpose of purchasing a firearm?**

Answer: *The FDLE FPP fee is \$5.00 per transaction. The transfer of a single firearm or multiple firearms, at one time and location, is considered a completed transaction. This cost is enacted and mandated by the Florida Legislature.*

3. **Question: Are there any exemptions to the background check process?**

Answer: *YES. A criminal history record check will not be required for the following:*

- (a) *Firearms brought in for warranty replacement or repairs if picked up by the same individual who brought in the firearm.*
- (b) *Firearms rented for a single purpose and maintained in the location of the rental agency (examples are skeet shooting, plantation hunting, etc.).*
- (c) *A transaction involving a federally licensed firearm dealer as a buyer or when both the buyer and seller are licensed dealers.*

4. Question: Are criminal justice officers exempt from the background check?

Answer: *Criminal justice officers must have a background check when purchasing any personal or off-duty firearm. This is because the federal Brady Law has no exemption for them.*

5. Question: Do concealed weapon permit holders continue to be exempt from background checks?

Answer: *No, under federal law concealed weapon permit holders must have a background check when purchasing a firearm.*

6. Question: Is a record check required on all types of firearms?

Answer: *YES. This law applies to all firearms, with the exception of black powder guns and antique firearms as classified by ATF.*

7. Question: Will a record check be required on a trade of firearms?

Answer: *YES. A trade is a transfer and is considered the same as a sale under this program.*

8. Question: Will a record check be required on a frequent customer or one who has recently had a criminal history record check?

Answer: *YES. A record check will be required every time a new transaction is started, regardless of the number of previous checks made on the buyer. However, multiple firearms can be sold at the same time under a single record check.*

9. Question: Is a firearm purchased at a gun show exempt from the background check process?

Answer: *NO. Federally licensed firearm dealers selling from their inventories at gun shows must have record checks conducted on prospective buyers.*

10. Question: Does the time frame for the background check and the 3-day waiting period have to coincide?

Answer: *There is no requirement that the three-day waiting period and the thirty days for which an approval is good must start concurrently. The three-day wait begins with the transfer of money or other valuable consideration to the dealer. The 30-day background check window begins when the approval decision is provided and ends 30 days later.*

11. Question: How many firearms can be transferred during a transaction?

Answer: *There is no limit. Multiple firearms may be transferred in any given transaction with a single record check. Even if more than one ATF form F-4473 is required to record the transaction, the same approval number will be used on each. FFLs must report multiple handgun sales as required by ATF.*

12. **Question: Is a crime committed when the specified requirements of Section 790.065, Florida Statutes are not complied with?**

Answer: YES. Any individual not complying with this statute as specified therein commits a felony of the third degree. The following are examples of violations.

- (a) Providing false information or false or fraudulent identification when purchasing a firearm;
- (b) Failing to call and obtain an approval number when any licensed importer, manufacturer or dealer transfers a firearm.
- (c) Transferring a firearm to a person under 21 years of age or before the three-day waiting period has passed (unless an exception applies).

13. **Question: Will records be maintained by FDLE on individuals who are background checked for the purpose of purchasing a firearm?**

Answer: If an individual has been approved to purchase a firearm, personally identifying information is purged within 48 hours of the approval decision.

14. **Question: Will actual record check information be released over the phone by the FPP?**

Answer: NO. FPP will not release any criminal history record information to the dealer or the buyer over the telephone. FPP will provide dealers with approval or non-approval numbers. Individuals who are denied the purchase of a firearm are encouraged to file an appeal if they believe they have been incorrectly associated with a disqualifying record or if they believe a record which is the basis for disqualification is incorrect or incomplete.

15. **Question: Can Florida criminal history information be obtained from FDLE?**

Answer: YES. Individuals wishing to obtain Florida criminal history information may visit our website at www2.fdle.state.fl.us and click on the "Background Checks" link on the right portion of the homepage. Or, write to the Florida Department of Law Enforcement, Attn: Public Records Section, Post Office Box 1489, Tallahassee, Florida, 32302-1489. Send the full name, race, sex, date of birth, and Social Security number (this is optional) of the individual whose criminal history you are requesting to the above address. Enclose a \$24.00 check or money order, payable to FDLE, to cover the cost of this service.

16. **Question: What if the Florida criminal record is in error?**

Answer: If an individual believes the information in his or her Florida criminal history is incorrect, the individual may challenge his/her criminal history; this procedure is known as a personal review, contact the FDLE Quality Control Section at (850) 410-7898. There is no cost for this service.

17. Question: Under what circumstances would a pawnbroker have the option to contact either FDLE/FPP or NICS for a record check?

Answer:

- (a) If the redemption occurs after 90 days, a pawnbroker must call the FDLE, a \$5.00 transaction fee will occur.*
- (b) If the redemption occurs prior to 90 days, a pawnbroker may either contact the FDLE or the FBI. There will be a \$5 fee if this check is through FDLE.*
- (c) Pre-Pawn Checks: Pawnbrokers are authorized but not mandated by federal law to conduct a background check at the time of the pawn. If the pawnbroker chooses to do them, “pre-pawn” checks will be conducted by the FBI, as Florida law does not authorize FDLE to conduct background checks at the time of pawn.*

Glossary of Terms

Antique Firearm – Any firearm manufactured in or before 1918 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1918. Also any firearm using fixed ammunition manufactured in or before 1918, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade. [Note: This is the state law definition of “antique firearm.” The federal law definition, found at 18 U.S.C. Section 921(a) (16), differs from this.]

Background Check – this term as used in this guide indicates a review of a potential buyer’s criminal history record information in addition to any personally identifying information within the National Instant Background Check System (NICS) conducted by the FDLE at the request of the dealer in order to determine whether a prospective buyer is ineligible to purchase a firearm, as defined herein, under state and federal law.

Buyer – An individual who intends to buy, trade, or receive a firearm or firearms as defined herein, and has notified a dealer of his/her intent.

Control # - A unique number issued to identify each transaction.

Dealer – Any person federally licensed as a firearm dealer, manufacturer or importer pursuant to 18 U.S.C. Section 921, et seq.

Firearm Eligibility System (FES) – Provides dealers an online method to submit background checks without the frustration of hold times and waiting for responses 24 hours a day, 7 days a week.

Firearm – Any weapon (including a starting gun) which will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive. This includes all handguns, rifles, and shotguns. The term firearm does not include “antique firearms.”

Photo Identification – Valid government–issued identification that provides a current photo of the buyer. This includes the following: valid and current Florida driver’s license; photo identification card provided by the Florida Department of Highway Safety and Motor Vehicles; a State concealed weapon permit; a military identification card; an immigration card; a passport; or an employment/school identification, provided the card shows at least the buyer’s name and place of employment/school.

Transaction – The transfer of a single firearm or multiple firearms, at one time and location, is considered a transaction.

Transfer – To sell, trade, or change possession of a firearm defined herein.

Unique Personal Identity Number (UPIN) – A number assigned to a customer who has requested to participate in the FBI’s Voluntary Appeal File (VAF). The VAF was established to permit individuals to request that NICS maintain personally identifying information in the VAF to prevent future erroneous denials or extended delays of a firearm transfer due to records belonging to individuals with the same or very similar identifiers.

Working Day – 8:00 a.m. to 5:00 p.m., Eastern Time, Monday through Friday, excluding legal holidays

Florida Statutes Chapter 790 Weapons and Firearms

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0790/0790ContentsIndex.html

Florida Administrative Code Chapter 11C-6.009 Sale and Delivery of Firearms

<https://www.flrules.org/gateway/ruleno.asp?id=11C-6.009>