



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, DC 20226

NOV 16 1998

OPEN LETTER TO ALL FLORIDA FEDERAL FIREARMS LICENSEES

Permanent Provisions of the Brady Law. The purpose of this letter is to advise you of your responsibilities under the permanent provisions of the Brady law, 18 U.S.C. § 922(t). On November 30, 1998, the interim provisions of the Brady law will cease to apply, and the permanent provisions of the Brady law will take effect.

The permanent provisions of the Brady law provide for the establishment of a National Instant Criminal Background Check System (NICS) that licensees must contact before transferring any firearm to unlicensed individuals. While the interim provisions apply only to handguns, the permanent provisions of Brady will apply to all firearms. In addition, under permanent Brady there will no longer be an exemption for the redemption of a firearm from pawn.

Notification from the Attorney General. On October 30, 1998, the Department of Justice published a final rule in the Federal Register, announcing the establishment of the NICS as of October 31, 1998. Accordingly, licensees will be required to comply with permanent Brady as of November 30, 1998. Copies of the Justice Department's final rule are available on DOJ's Home Page on the Internet at <http://www.fbi.gov/programs/nics/index.htm>, and DOJ is mailing copies of the final rule to licensees.

Initiation of NICS Checks. The State of Florida will act as the point of contact for NICS checks for all firearms transactions except certain pawn transactions. To request a NICS check for any firearms transaction you must contact the Florida Department of Law Enforcement's (FDLE) Firearms Purchase Program at the number provided to you by them during your initial enrollment. If you are currently enrolled with the FDLE Firearms Purchase Program, no additional enrollment is necessary. If you are not enrolled with the FDLE, to enroll please call (850) 410-8139 or (850) 410-8140.

To request a background check on certain pawn transactions (including optional checks prior to acceptance of a pawned firearm and the mandatory check prior to redemption of a pawned firearm within the first 90 days), you may contact either the Federal Bureau of Investigation or the FDLE. If a firearm is redeemed from pawn after 90 days, then current Florida rules would apply and the check would be done through FDLE.

To request a background check from the FBI NICS Operations center you should dial 1-877-FBI-NICS (1-877-324-6427). Your call will be answered by an automated menu that allows you to select from several customer services including initiating a NICS background check.

Transfers Subject to NICS Check Requirement. As of November 30, 1998, you will be required to initiate a NICS check prior to transferring a firearm to anyone who is not a licensee. The following steps must be followed prior to transferring a firearm:

1. Have the transferee complete and sign ATF Form 4473, Firearms Transaction Record.
2. Verify the identity of the transferee through a Government-issued photo identification (for example, a driver's license).
3. Contact NICS through the Florida Department of Law Enforcement or the FBI. If you contact the FDLE, you will get a response from the system advising you whether the transaction has been given an approval, a conditional non-approval or a non-approval. If you contact the FBI, you will get either a "proceed," "denied" or "delayed" response from the system. If you get a "conditional non-approval" or a "delayed" response and there is no additional response from the system, the Brady law provides that you may transfer the firearm after three business days have elapsed. However, under Florida requirements you must contact FDLE

prior to transferring the firearm if the initial check went through the FDLE. Of course, you must still comply with any waiting period requirements under State law.

4. If you have initiated a NICS check for a proposed firearms transaction, but the transfer of the firearm is not completed, you must retain the Form 4473 in your records for a period of not less than 5 years. If the transfer is completed, the Form 4473 must be retained for at least 20 years.

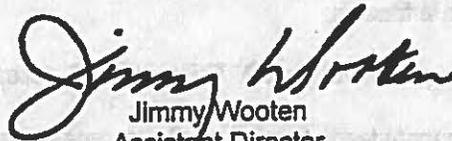
Alternatives to a NICS Check. The Brady law provides that certain permits may qualify as alternatives to a NICS check. Although the concealed weapons permit issued in your State qualified as an alternative to a background check under the interim provisions of Brady, the permit will not qualify as an alternative to the NICS check required by permanent Brady. However, concealed weapons permits issued prior to November 30, 1998, will be "grandfathered" as Brady alternatives for the duration of the permit, not to exceed 5 years from the date of issuance. Of course all such transactions must still comply with State law. Please note that permits issued on or after November 30, 1998, will not qualify as alternatives to the NICS check.

If you transfer a firearm to an unlicensed person pursuant to this permit alternative, you must comply with the following requirements:

1. Have the transferee complete and sign ATF Form 4473, Firearms Transaction Record.
2. Verify the identity of the transferee through a Government-issued photo identification (for example, a driver's license).
3. Verify that the permit was issued prior to November 30, 1998, and within the past 5 years by the State in which the transfer is to occur, and that the permit has not expired under State law.
4. Either retain a copy of the transferee's permit and attach it to the Form 4473, or record on the Form 4473 any identifying number from the permit, the date of issuance, and the expiration date of the permit.

Final Regulations and Forms 4473. On October 29, 1998, ATF published final regulations implementing the permanent provisions of the Brady law. The ATF final regulations are available on ATF's home page on the Internet at http://www.atf.treas.gov/core/regulations/brady_regs.htm. ATF has also modified ATF Form 4473, Firearms Transaction Record, to reflect the changes in the background check system. A copy of the final regulations and a small supply of Forms 4473 will be mailed to each licensee under separate cover before November 30, 1998.

Questions. If you have any questions, please contact your local ATF office or the Florida Department of Law Enforcement.


Jimmy Wooten
Assistant Director
(Firearms, Explosives and Arson)