

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Good offered the following:

2
3 **Substitute Amendment for Amendment (663795) (with title**
4 **amendment)**

5 Between lines 688 and 689, insert:

6 Section 12. Section 790.0653, Florida Statutes, is created
7 to read:

8 790.0653 Transfers of firearms; transfer thorough licensed
9 dealer required.-

10 (1) This section may be cited as the "Universal Background
11 Check Act."

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12 (2) A person may not sell or otherwise transfer a firearm,
13 including selling or transferring a firearm via the Internet,
14 unless:

15 (a) The person is a licensed dealer;

16 (b) The purchaser or other transferee is a licensed
17 dealer; or

18 (c) The requirements of subsection (3) are met.

19 (3) If neither party to a prospective firearms transaction
20 is a licensed dealer, the parties to the transaction shall
21 complete the sale or other transfer through a licensed dealer as
22 follows:

23 (a) The seller or other transferor shall deliver the
24 firearm to the licensed dealer, who shall retain possession of
25 the firearm until all legal requirements for the sale or other
26 transfer have been met, including compliance with any state or
27 local waiting periods.

28 (b) The licensed dealer shall process the sale or other
29 transfer as if he or she were the seller or other transferor.
30 The licensed dealer shall comply with all requirements of
31 federal and state law that would apply if he or she were the
32 seller or other transferor of the firearm.

33 (c) Notwithstanding any other provision of law, the
34 licensed dealer may allow the seller or transferor who is not a
35 licensed dealer to remove the firearm from the business premises
36 of the licensed dealer while the background check is being

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37 conducted and while the waiting period requirement under s.
38 790.0655 is being met. The licensed dealer must comply with all
39 requirements of federal and state law which would apply if she
40 or he were the seller or transferor of the firearm.

41 (d) The licensed dealer shall follow the requirements of
42 s. 790.065 and, if the transaction is not prohibited, deliver
43 the firearm to the purchaser or other transferee after all other
44 legal requirements are met.

45 (e) If the licensed dealer cannot legally deliver the
46 firearm to the purchaser or other transferee, the licensed
47 dealer shall follow the requirements of s. 790.065, and, if the
48 return is not prohibited, return the firearm to the seller or
49 other transferor.

50 (f) If the licensed dealer cannot legally return the
51 firearm to the seller or other transferor, the licensed dealer
52 shall deliver the firearm to the sheriff of the county in which
53 the licensed dealer is located within 24 hours.

54 (g) The licensed dealer may require the purchaser or other
55 transferee to pay a fee covering the administrative costs
56 incurred by the licensed dealer for facilitating the transfer of
57 the firearm, plus applicable fees pursuant to federal and state
58 law.

59 (4) Subsections (2) and (3) do not apply to the following:

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60 (a) A law enforcement or corrections agency, or a law
61 enforcement or corrections officer acting within the course and
62 scope of his or her employment or official duties.

63 (b) The activities of the United States Marshals Service,
64 members of the United States Armed Forces or the National Guard,
65 or federal officials required to carry firearms while engaged in
66 performing their official duties.

67 (c) A gunsmith who receives a firearm solely for the
68 purposes of service or repair, or the return of the firearm to
69 its owner by the gunsmith.

70 (d) A common carrier, warehouseman, or other person
71 engaged in the business of transportation or storage, to the
72 extent that the receipt of any firearm is in the ordinary course
73 of business and not for the personal use of any such person.

74 (e) A person who is loaned a firearm solely for the
75 purpose of shooting at targets, if the loan occurs on the
76 premises of a target facility, and the firearm is at all times
77 kept within the premises of the target range.

78 (f) A person who is under the age of 18 years who is
79 firearm for lawful hunting or sporting purposes or for any other
80 lawful recreational activity while under the direct supervision
81 and control of a responsible adult.

82 (g) A person who is 18 years of age or older who is loaned
83 a firearm while the person is accompanying the lawful owner and

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84 using the firearm for lawful hunting or sporting purposes or for
85 any other lawful recreational activity.

86 (h) An adult family member of the lawful owner of the
87 firearm if the owner resides with the family member but is not
88 currently present in the residence, provided that the family
89 member does not maintain control over the firearm for more than
90 14 consecutive days. This paragraph does not apply if the owner
91 or the family member knows or has reasonable cause to believe
92 that federal or state law prohibits the family member from
93 purchasing or possessing firearms, or the owner knows or has
94 reasonable cause to believe that the family member is likely to
95 use the firearm for unlawful purposes.

96 (i) A spouse, child, or parent of the firearm owner who
97 acquired the firearm by operation of law upon the death of the
98 former firearm owner.

99 (j) The temporary transfer of a firearm if such transfer
100 is to prevent immediate or imminent death or great bodily harm
101 to one's self or others, provided that the person to whom the
102 firearm is transferred is not prohibited from possessing a
103 firearm under state or federal law and the temporary transfer
104 lasts no longer than necessary to prevent such immediate or
105 imminent death or great bodily harm.

106 (k) The sale or transfer of an antique firearm.

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107 (5) A person who violates this section commits a felony of
108 the third degree, punishable as provided in s. 775.082, s.
109 775.083, or s. 775.084.

110 (6) In addition to any other penalty or remedy, the
111 investigating law enforcement agency shall report any violation
112 of this section committed by a licensed dealer to the Attorney
113 General.

114 (7) There shall be a mandatory 3-day waiting period, which
115 shall be 3 days, excluding weekends and legal holidays, between
116 the purchase and the delivery at retail, or the delivery through
117 a private sale facilitated through a licensed dealer under this
118 section, of any firearm. "Purchase" means the transfer of money
119 or other valuable consideration to the retailer. "Retailer"
120 means and includes every person engaged in the business of
121 making sales at retail or for distribution, or use, or
122 consumption, or storage to be used or consumed in this state, as
123 defined in s. 212.02(13).

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125 -----

126 **T I T L E A M E N D M E N T**

127 Remove line 71 and insert:
128 exceptions; creating s. 790.0653, F.S.; providing a
129 short title; requiring transfers of firearms when
130 neither party is a licensed dealer to be conducted
131 through a licensed dealer; requiring deposit of the

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132 | firearm with the licensed dealer; requiring processing
133 | by the licensed dealer; providing for disposition of
134 | the firearm if the licensed dealer cannot legally
135 | complete the transaction; authorizing a fee; providing
136 | exceptions; providing criminal penalties for
137 | violations; requiring reports of violations by
138 | licensed dealers; requiring a specified waiting period
139 | for such transfers; amending s. 790.0655, F.S.;
140 | revising the

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