

By Senator Wasserman Schultz

32-590B-01

See HB 535

1 A bill to be entitled
2 An act relating to sale or transfer of firearms
3 at gun shows; amending s. 790.001, F.S.;
4 defining "gun show," "gun show promoter," and
5 "gun show vendor"; creating s. 790.0653, F.S.;
6 prohibiting the sale or transfer of a firearm
7 by a gun show vendor at a gun show unless a
8 criminal history background check of the
9 prospective transferee has been conducted;
10 requiring approval of the transfer from the
11 Department of Law Enforcement; providing a
12 third degree felony penalty for violation;
13 providing a third degree felony penalty for the
14 willful and knowing provision of false
15 identification or fraudulent information
16 relative to the sale or transfer of a firearm
17 at a gun show; requiring licensed gun dealers
18 conducting criminal history background checks
19 at gun shows to record the transfer of a
20 firearm and retain records as otherwise
21 required by law; requiring gun show promoters
22 to arrange for the services of one or more
23 licensed gun dealers to be on the premises of a
24 gun show for the purpose of obtaining
25 background checks; requiring posting of
26 specified notice at gun shows; providing a
27 first degree misdemeanor penalty for failure to
28 post such notice; exempting antique firearms
29 from the requirements of the act; authorizing
30 licensed gun dealers to charge a fee for
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1 conducting background checks at gun shows;
2 providing an effective date.

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4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. Subsections (19), (20), and (21) are added
7 to section 790.001, Florida Statutes, to read:

8 790.001 Definitions.--As used in this chapter, except
9 where the context otherwise requires:

10 (19) "Gun show" means an event or function that is
11 sponsored to facilitate, in whole or in part, the purchase,
12 sale, offer for sale, or collection of firearms at which:

13 (a) Twenty-five or more firearms are offered or
14 exhibited for sale, transfer, or exchange; or

15 (b) Not less than three gun show vendors exhibit,
16 sell, offer for sale, transfer, or exchange firearms.

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18 The term includes the entire premises provided for the gun
19 show, including, but not limited to, parking areas for the gun
20 show.

21 (20) "Gun show promoter" means a person who organizes
22 or operates a gun show.

23 (21) "Gun show vendor" means any person who exhibits,
24 sells, offers for sale, transfers, or exchanges any firearm at
25 a gun show, regardless of whether the person arranges with a
26 gun show promoter for a fixed location from which to exhibit,
27 sell, offer for sale, transfer, or exchange any firearm.

28 Section 2. Section 790.0653, Florida Statutes, is
29 created to read:

30 790.0653 Gun shows; criminal history background
31 checks; penalty.--

1 (1) A gun show vendor may not sell or transfer a
2 firearm at a gun show, or attempt to sell or transfer a
3 firearm at a gun show, unless the the gun show vendor has:

4 (a) Obtained a completed form from the potential buyer
5 or transferee required by s. 790.065(1)(a).

6 (b) Collected a fee from the potential buyer for
7 processing the criminal history background check of the
8 potential buyer. The fee shall be established by the
9 Department of Law Enforcement and may not exceed \$10 per
10 transaction. The provisions of s. 790.065(1)(b) governing
11 deposit, use, and segregation of fees, procedures for fee
12 transmittal, reporting requirements, expenditure of excess
13 funds, and reduction or suspension of the collection of fees
14 shall apply to all fees collected pursuant to this paragraph.

15 (c) Requested that a criminal history background check
16 of the prospective transferee be conducted by the Department
17 of Law Enforcement in accordance with s. 790.065.

18 (d) Obtained a unique approval number for the
19 background inquiry from the Department of Law Enforcement and
20 recorded the date and the approval number in accordance with
21 s. 790.065.

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23 If any part of a firearm transaction takes place at a gun
24 show, no firearm which is involved in such partial transaction
25 shall be sold or transferred unless a background check has
26 been conducted and a unique approval number has been obtained
27 by a licensed gun dealer as required under this subsection.

28 (2)(a) A licensed gun dealer who obtains a criminal
29 history background check on a prospective transferee at a gun
30 show shall record the transfer and retain the records as
31 provided in s. 790.065.

1 (b) Any individual who gives false information in
2 connection with the making of such records commits a
3 misdemeanor of the first degree, punishable as provided in s.
4 775.082 or s. 775.083.

5 (3) A gun show promoter shall arrange for the services
6 of one or more licensed gun dealers to be on the premises of
7 any gun show conducted or operated by the promoter for the
8 purpose of obtaining the background checks required by this
9 section.

10 (4)(a) A gun show promoter shall conspicuously post a
11 notice, in a form to be prescribed by the Department of Law
12 Enforcement, setting forth the requirement for completion of a
13 background check as provided in this section.

14 (b) Any gun show promoter who fails to post or
15 conspicuously display the notice required under paragraph (a)
16 at any gun show conducted by the gun show promoter commits a
17 misdemeanor of the first degree, punishable as provided in s.
18 775.082 or s. 775.083.

19 (5) The provisions of this section shall not apply to
20 the transfer of an antique firearm, as defined in s.
21 790.001(1).

22 (6) Any licensed dealer, gun show vendor, or gun show
23 promoter who violates the provisions of subsection (1) commits
24 a felony of the third degree, punishable as provided in s.
25 775.082, s. 775.083, or s. 775.084.

26 (7) Any potential buyer or transferee who willfully
27 and knowingly provides false information or fraudulent
28 identification with respect to the sale or transfer, or
29 attempted sale or transfer, of any weapon or firearm at a gun
30 show commits a felony of the third degree, punishable as
31 provided in s. 775.082, s. 775.083, or s. 775.084.

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Section 3. This act shall take effect October 1, 2001.

HOUSE SUMMARY

Requires gun show vendors to conduct background checks and obtain approval from the Department of Law Enforcement prior to the sale or transfer of a firearm at a gun show. Provides a third degree felony penalty for violation. Provides a third degree felony penalty for the willful and knowing provision of false identification or fraudulent information relative to the sale or transfer of a firearm at a gun show. Requires recording of firearms sales and transfers at gun shows and retention of records as required by law. Requires gun show promoters to arrange for the services of one or more licensed gun dealers to be on the premises of any gun show for the purpose of obtaining background checks. Authorizes licensed gun dealers to charge a \$10 fee for conducting background checks at gun shows. Requires posting of notice at gun shows which sets forth the requirement for completion of a background check prior to purchase or transfer of a firearm. Provides a first degree misdemeanor penalty for failure to post such notice. Defines "gun show," "gun show promoter," and "gun show vendor" for purposes of the act.