

By Senator Wasserman Schultz

32-522-02

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 the terms "gun show," "gun-show
5 promoter," and "gun-show vendor"; creating s.
6 790.0653, F.S.; prohibiting the sale or
7 transfer of a firearm by a gun-show vendor at a
8 gun show unless a criminal history background
9 check of the prospective transferee has been
10 conducted; requiring approval of the transfer
11 from the Department of Law Enforcement;
12 providing a third-degree-felony penalty for
13 violation; providing a third-degree-felony
14 penalty for the willful and knowing provision
15 of false identification or fraudulent
16 information concerning the sale or transfer of
17 a firearm at a gun show; requiring licensed gun
18 dealers conducting criminal history background
19 checks 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 fewer 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 as 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 the
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 apply to all fees collected under 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, the firearm that is involved in such partial transaction
25 may not 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 person 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 that a background
13 check be completed as provided in this section.

14 (b) Any gun-show promoter who fails to post or
15 conspicuously display the notice required by paragraph (a) at
16 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) This section does not apply to the transfer of an
20 antique firearm, as defined in s. 790.001(1).

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

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

31 Section 3. This act shall take effect January 1, 2002.

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SENATE 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 concerning the sale or transfer of a firearm at a gun show. Requires the recording of firearms sales and transfers at gun shows and the 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 fee for conducting background checks at gun shows. Requires the posting of a notice at gun shows which sets forth the requirement that a background check be completed prior to the purchase or transfer of a firearm. Provides a first-degree-misdemeanor penalty for failure to post such notice. Defines the terms "gun show," "gun-show promoter," and "gun-show vendor" for purposes of the act.