

By Senator Wasserman Schultz

32-149-02

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.

22  
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 October 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.