

By Senator Sachs

34-01280A-13

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1                                   A bill to be entitled  
 2           An act relating to weapons or firearms; providing a  
 3           short title; creating s. 790.0653, F.S.; requiring  
 4           transfers of firearms when neither party is a licensed  
 5           dealer to be conducted through a licensed dealer;  
 6           requiring deposit of the firearm with the dealer;  
 7           requiring processing by the dealer; providing for  
 8           disposition of the firearm if the dealer cannot  
 9           legally complete the transaction; authorizing a fee;  
 10          providing exceptions; providing criminal penalties for  
 11          violations; requiring reports of violations by  
 12          licensed dealers; providing an effective date.

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

16           Section 1. This act may be cited as the "Universal  
 17 Background Check Act."

18           Section 2. Section 790.0653, Florida Statutes, is created  
 19 to read:

20           790.0653 Transfers of firearms; transfer thorough licensed  
 21 dealer required.-

22           (1) A person may not sell or otherwise transfer a firearm,  
 23 including selling or transferring a firearm via the Internet,  
 24 unless:

25           (a) The person is a licensed dealer;

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

27 or

28           (c) The requirements of subsection (2) are met.

29           (2) If neither party to a prospective firearms transaction

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30 is a licensed dealer, the parties to the transaction shall  
31 complete the sale or other transfer through a licensed dealer as  
32 follows:

33 (a) The seller or other transferor shall deliver the  
34 firearm to the dealer, who shall retain possession of the  
35 firearm until all legal requirements for the sale or other  
36 transfer have been met, including compliance with any state or  
37 local waiting periods.

38 (b) The dealer shall process the sale or other transfer as  
39 if he or she were the seller or other transferor. The dealer  
40 shall comply with all requirements of federal and state law that  
41 would apply if he or she were the seller or other transferor of  
42 the firearm.

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

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

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

56 (f) The dealer may require the purchaser or other  
57 transferee to pay a fee covering the administrative costs  
58 incurred by the dealer for facilitating the transfer of the

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59 firearm, plus applicable fees pursuant to federal and state law.

60 (3) Subsections (1) and (2) do not apply to the following:

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

64 (b) A gunsmith who receives a firearm solely for the  
65 purposes of service or repair, or the return of the firearm to  
66 its owner by the gunsmith.

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

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

75 (e) A person who is under 18 years of age who is loaned a  
76 firearm for lawful hunting or sporting purposes or for any other  
77 lawful recreational activity while under the direct supervision  
78 and control of a responsible adult.

79 (f) A person who is 18 years of age or older who is loaned  
80 a firearm while the person is accompanying the lawful owner and  
81 using the firearm for lawful hunting or sporting purposes or for  
82 any other lawful recreational activity.

83 (g) An adult family member of the lawful owner of the  
84 firearm if the owner resides with the family member but is not  
85 currently present in the residence, provided that the family  
86 member does not maintain control over the firearm for more than  
87 14 consecutive days. This paragraph does not apply if the owner

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88 or the family member knows or has reasonable cause to believe  
89 that federal or state law prohibits the family member from  
90 purchasing or possessing firearms, or the owner knows or has  
91 reasonable cause to believe that the family member is likely to  
92 use the firearm for unlawful purposes.

93 (h) A spouse, child, or parent of the firearm owner who  
94 acquired the firearm by operation of law upon the death of the  
95 former firearm owner.

96 (4) A person who violates this section commits a felony of  
97 the third degree, punishable as provided in s. 775.082, s.  
98 775.083, or s. 775.084.

99 (5) In addition to any other penalty or remedy, the  
100 investigating law enforcement agency shall report any violation  
101 of this section committed by a licensed dealer to the Attorney  
102 General.

103 Section 3. This act shall take effect October 1, 2013.

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