

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Good offered the following:

**Amendment (with title amendment)**

Between lines 688 and 689, insert:

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

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

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

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

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- 14        (a) The person is a licensed dealer;  
15        (b) The purchaser or other transferee is a licensed  
16 dealer; or  
17        (c) The requirements of subsection (3) are met.  
18        (3) If neither party to a prospective firearms transaction  
19 is a licensed dealer, the parties to the transaction shall  
20 complete the sale or other transfer through a licensed dealer as  
21 follows:  
22        (a) The seller or other transferor shall deliver the  
23 firearm to the licensed dealer, who shall retain possession of  
24 the firearm until all legal requirements for the sale or other  
25 transfer have been met, including compliance with any state or  
26 local waiting periods.  
27        (b) The licensed dealer shall process the sale or other  
28 transfer as if he or she were the seller or other transferor.  
29 The licensed dealer shall comply with all requirements of  
30 federal and state law that would apply if he or she were the  
31 seller or other transferor of the firearm.  
32        (c) Notwithstanding any other provision of law, the  
33 licensed dealer may allow the seller or transferor who is not a  
34 licensed dealer to remove the firearm from the business premises  
35 of the licensed dealer while the background check is being  
36 conducted and while the waiting period requirement under s.  
37 790.0655 is being met. The licensed dealer must comply with all

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38 requirements of federal and state law which would apply if she  
39 or he were the seller or transferor of the firearm.

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

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

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

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

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

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

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

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

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

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

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

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

85 (h) An adult family member of the lawful owner of the  
86 firearm if the owner resides with the family member but is not

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

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

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

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

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

109 (6) In addition to any other penalty or remedy, the  
110 investigating law enforcement agency shall report any violation

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111 of this section committed by a licensed dealer to the Attorney  
112 General.

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

124 -----  
125 **T I T L E A M E N D M E N T**

126 Remove line 71 and insert:  
127 exceptions; creating s. 790.0653, F.S.; providing a  
128 short title; requiring transfers of firearms when  
129 neither party is a licensed dealer to be conducted  
130 through a licensed dealer; requiring deposit of the  
131 firearm with the licensed dealer; requiring processing  
132 by the licensed dealer; providing for disposition of  
133 the firearm if the licensed dealer cannot legally  
134 complete the transaction; authorizing a fee; providing  
135 exceptions; providing criminal penalties for

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136 | violations; requiring reports of violations by  
137 | licensed dealers; requiring a specified waiting period  
138 | for such transfers; amending s. 790.0655, F.S.;  
139 | revising the

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