

By Senator Farmer

34-00688-19

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1                                   A bill to be entitled  
2           An act relating to fees; amending s. 790.065, F.S.;  
3           authorizing a licensed dealer to charge the buyer or  
4           transferee of a firearm specified fees; providing a  
5           contingent effective date.

6  
7   Be It Enacted by the Legislature of the State of Florida:

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9           Section 1. Paragraph (b) of subsection (1) of section  
10   790.065, Florida Statutes, as amended by SB \_\_\_\_, 2019 Regular  
11   Session, is amended to read:

12           790.065 Sale and delivery of firearms.—

13           (1)

14           (b)1. If neither party to a prospective firearms sale,  
15   lease, or transfer is a licensed dealer, the parties to the  
16   transaction must complete the sale, lease, or transfer through a  
17   licensed dealer as follows:

18           a. The seller, lessor, or transferor shall deliver the  
19   firearm to a licensed dealer, who shall process the sale, lease,  
20   or transfer as if she or he were the seller, lessor, or  
21   transferor, except that the seller, lessor, or transferor who is  
22   not a licensed dealer may remove the firearm from the business  
23   premises of the licensed dealer while the background check is  
24   being conducted and while the waiting period requirement set  
25   forth in s. 790.0655 is being met. Other than allowing the  
26   unlicensed seller or transferor to remove the firearm from the  
27   licensed dealer's business premises, the licensed dealer shall  
28   comply with all requirements of federal and state law which  
29   would apply if she or he were the seller, lessor, or transferor

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30 of the firearm;

31 b. The licensed dealer shall conduct a background check on  
32 the buyer or other transferee as provided in this section and,  
33 unless the transaction is prohibited, and after all other legal  
34 requirements are met, including those set forth in s. 790.0655,  
35 the licensed dealer shall either:

36 (I) Deliver the firearm to the seller, lessor, or  
37 transferor, who shall complete the transaction and deliver the  
38 firearm to the buyer; or

39 (II) If the seller, lessor, or transferor has removed the  
40 firearm from the licensed dealer's business premises, contact  
41 the seller, lessor, or transferor to let her or him know that  
42 she or he may complete the transaction and deliver the firearm  
43 to the buyer; ~~and~~

44 c. If the licensed dealer cannot legally complete the  
45 transaction, the dealer must:

46 (I) Return the firearm to the seller, lessor, or  
47 transferor; or

48 (II) If the seller, lessor, or transferor has removed the  
49 firearm from the licensed dealer's business premises, contact  
50 the seller, lessor, or transferor to let her or him know that  
51 the transaction is prohibited and that the seller, lessor, or  
52 transferor may not deliver the firearm to the buyer; and

53 d. The licensed dealer may require the buyer 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 2. This paragraph does not apply to:

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59 a. The activities of the United States Marshals Service,  
60 members of the United States Armed Forces or the National Guard,  
61 or federal officials required to carry firearms while engaged in  
62 performing their official duties; or

63 b. The following activities, unless the lawful owner knows  
64 or has reasonable cause to believe that federal, state, or local  
65 law prohibits the transferee from purchasing or possessing  
66 firearms or that the transferee is likely to use the firearm for  
67 unlawful purposes:

68 (I) The delivery of a firearm to a gunsmith for service or  
69 repair or the return of the firearm to its owner by the  
70 gunsmith;

71 (II) The transfer of a firearm to a carrier, warehouseman,  
72 or other person engaged in the business of transportation or  
73 storage, to the extent that the receipt, possession, or having  
74 on or about the person any firearm is in the ordinary course of  
75 business and in conformity with federal, state, and local laws,  
76 and not for the personal use of any such person;

77 (III) The loan of a firearm solely for the purpose of  
78 shooting at targets, if the loan occurs on the premises of a  
79 properly licensed target facility and if the firearm is at all  
80 times kept within the premises of the target facility;

81 (IV) The loan of a firearm to a person who is under 18  
82 years of age for lawful hunting, sporting, or educational  
83 purposes while under the direct supervision and control of a  
84 responsible adult;

85 (V) The loan of a firearm to a person who is 18 years of  
86 age or older if the firearm remains in the person's possession  
87 only while the person is accompanying the lawful owner and using

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88 the firearm for lawful hunting, sporting, or recreational  
89 purposes; or

90 (VI) The loan of a firearm to an adult family member of the  
91 lawful owner of the firearm if the lawful owner resides with the  
92 family member but is not present in the residence and the family  
93 member does not maintain control over the firearm for more than  
94 10 consecutive days.

95

96 This subsection does not apply if the person purchasing, ~~or~~  
97 receiving delivery of the firearm holds an active certification  
98 from the Criminal Justice Standards and Training Commission as a  
99 "law enforcement officer," a "correctional officer," or a  
100 "correctional probation officer" as defined in s. 943.10(1),  
101 (2), (3), (6), (7), (8), or (9).

102 Section 2. This act shall take effect on the same date that  
103 SB \_\_\_ or similar legislation takes effect, if such legislation  
104 is adopted in the same legislative session or an extension  
105 thereof and becomes a law.