

By Senator Book

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1 A bill to be entitled
2 An act relating to transfers of firearms; amending s.
3 790.001, F.S.; providing a definition; creating s.
4 790.0653, F.S.; requiring transfers of firearms to be
5 conducted through a licensed dealer; requiring deposit
6 of the firearm with the licensed dealer under certain
7 circumstances; requiring processing by the licensed
8 dealer; providing for disposition of the firearm if
9 the licensed dealer cannot legally complete the
10 transaction or return the firearm to its owner;
11 authorizing a fee; providing exceptions; providing
12 criminal penalties; requiring law enforcement agencies
13 to report certain violations by licensed dealers to
14 the Attorney General; providing an effective date.

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

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18 Section 1. Subsection (20) is added to section 790.001,
19 Florida Statutes, to read:

20 790.001 Definitions.—As used in this chapter, except where
21 the context otherwise requires:

22 (20) "Adult family member" means an individual's spouse,
23 parent, child, sibling, grandparent, grandchild, niece, nephew,
24 first cousin, aunt, or uncle who is over 21 years of age.

25 Section 2. Section 790.0653, Florida Statutes, is created
26 to read:

27 790.0653 Transfers of firearms; transfer through licensed
28 dealer required.—

29 (1) A person may not sell or otherwise transfer a firearm,

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30 including selling or transferring a firearm via the Internet,
31 unless:

32 (a) The person is a licensed dealer;

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

34 or

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

36 (2) If neither party to a prospective firearms transaction
37 is a licensed dealer, the parties to the transaction shall
38 complete the sale or other transfer through a licensed dealer as
39 follows:

40 (a) The seller or other transferor shall deliver the
41 firearm to the licensed dealer, who shall retain possession of
42 the firearm until all legal requirements for the sale or other
43 transfer have been met, including compliance with any state or
44 local waiting periods.

45 (b) The licensed dealer shall process the sale or other
46 transfer as if he or she were the seller or other transferor.
47 The licensed dealer must comply with all requirements of federal
48 and state law that would apply if he or she were the seller or
49 other transferor of the firearm.

50 (c) Notwithstanding any other provision of law, the
51 licensed dealer may allow the seller or transferor who is not a
52 licensed dealer to remove the firearm from the business premises
53 of the licensed dealer while the background check is conducted
54 and while the applicable waiting period requirements are met.
55 The licensed dealer must comply with all requirements of federal
56 and state law which would apply if he or she were the seller or
57 other transferor of the firearm.

58 (d) The licensed dealer shall comply with s. 790.065 and,

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59 if the transaction is not prohibited and after all other legal
60 requirements are met, deliver the firearm to the purchaser or
61 other transferee.

62 (e) If the licensed dealer cannot legally deliver the
63 firearm to the purchaser or other transferee because the person
64 is prohibited from possessing a firearm under s. 790.065(2) or
65 other state or federal law, the licensed dealer shall follow the
66 requirements of s. 790.065, and, if the return is not
67 prohibited, return the firearm to the seller or other
68 transferor.

69 (f) If the licensed dealer cannot legally return the
70 firearm to the seller or other transferor, the licensed dealer
71 shall deliver the firearm to the sheriff of the county in which
72 the licensed dealer is located within 24 hours for disposition
73 as provided in s. 790.08(5).

74 (g) The licensed dealer may require the purchaser or other
75 transferee to pay a fee covering the administrative costs
76 incurred by the licensed dealer for facilitating the sale or
77 transfer of the firearm, plus applicable fees pursuant to
78 federal and state law.

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

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

83 (b) The activities of the United States Marshals Service,
84 members of the United States Armed Forces or the National Guard,
85 or federal officials required to carry firearms while performing
86 their official duties.

87 (c) A gunsmith who receives a firearm solely for the

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88 purposes of service or repair, or the return of the firearm to
89 its owner by the gunsmith.

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

94 (e) A person who is loaned a firearm solely for the purpose
95 of shooting at targets, if the loan occurs on the premises of a
96 sport shooting range, and the firearm is at all times kept on
97 the premises of the sport shooting range.

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

102 (g) A person who is 18 years of age or older who is loaned
103 a firearm while he or she is accompanying the lawful owner and
104 using the firearm for lawful hunting or sporting purposes or for
105 any other lawful recreational activity.

106 (h) An adult family member of the lawful owner of the
107 firearm if the owner resides with the family member but is not
108 currently present in the residence, provided that the family
109 member does not maintain control over the firearm for more than
110 14 consecutive days. This paragraph does not apply if the owner
111 or the family member knows or has reasonable cause to believe
112 that federal or state law prohibits the family member from
113 purchasing or possessing firearms, or the owner knows or has
114 reasonable cause to believe that the family member is likely to
115 use the firearm for unlawful purposes.

116 (i) A spouse, child, or parent of the firearm owner who

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117 acquired the firearm by operation of law upon the death of the
118 former firearm owner.

119 (j) The temporary transfer of a firearm if such transfer is
120 to prevent immediate or imminent death or great bodily harm to
121 one's self or others, provided that the person to whom the
122 firearm is transferred is not prohibited from possessing a
123 firearm under state or federal law and the temporary transfer
124 lasts no longer than necessary to prevent such immediate or
125 imminent death or great bodily harm.

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

127 (4) A person who violates this section commits a felony of
128 the third degree, punishable as provided in s. 775.082, s.
129 775.083, or s. 775.084.

130 (5) In addition to any other penalty or remedy, the
131 investigating law enforcement agency shall report any violation
132 of this section committed by a licensed dealer to the Attorney
133 General.

134 (6) This section does not apply to any firearm modified to
135 render it permanently inoperable.

136 Section 3. This act shall take effect July 1, 2019.