

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.; defining the term "adult family
4 member"; creating s. 790.0653, F.S.; requiring
5 transfers of firearms to be conducted through a
6 licensed dealer; requiring deposit of the firearm with
7 the licensed dealer under certain circumstances;
8 requiring processing by the licensed dealer; providing
9 for disposition of the firearm if the licensed dealer
10 cannot legally complete the transaction or return the
11 firearm to its owner; authorizing a fee; providing
12 exceptions; providing criminal penalties; requiring
13 law enforcement agencies to report to the Attorney
14 General any violation by licensed dealers; providing
15 applicability; providing an effective date.

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

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

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

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

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

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

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

33 (a) The person is a licensed dealer;

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

35 or

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

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

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

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

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

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59 (d) The licensed dealer shall comply with s. 790.065 and,
60 if the transaction is not prohibited and after all other legal
61 requirements are met, shall deliver the firearm to the purchaser
62 or other transferee.

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

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

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

80 (3) Subsections (1) and (2) do not apply to any of the
81 following:

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

85 (b) The activities of the United States Marshals Service,
86 members of the United States Armed Forces or the National Guard,
87 or federal officials required to carry a firearm while

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88 performing their official duties.

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

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

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

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

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

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

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117 use the firearm for unlawful purposes.

118 (i) A spouse, child, or parent of the firearm owner who
119 acquired the firearm by operation of law upon the death of the
120 former firearm owner.

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

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

129 (4) A person who violates this section commits a felony of
130 the third degree, punishable as provided in s. 775.082, s.
131 775.083, or s. 775.084.

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

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

138 Section 3. This act shall take effect October 1, 2020.