

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; requiring
 7 processing by the licensed dealer; providing for
 8 disposition of the firearm if the licensed dealer
 9 cannot legally complete the transaction; authorizing a
 10 fee; providing exceptions; providing criminal
 11 penalties for violations; requiring reports of
 12 violations by licensed dealers; providing an effective
 13 date.

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

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

19 790.001 Definitions.—As used in this chapter, except where
 20 the context otherwise requires:

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

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

26 | 790.0653 Transfers of firearms; transfer through licensed
 27 | dealer required.—

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

31 | (a) The person is a licensed dealer;

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

34 | (c) The requirements of subsection (2) are met.

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

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

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

49 | (c) Notwithstanding any other provision of law, the
 50 | licensed dealer may allow the seller or transferor who is not a

51 licensed dealer to remove the firearm from the business premises
52 of the licensed dealer while the background check is conducted
53 and while the applicable waiting period requirements are met.
54 The licensed dealer must comply with all requirements of federal
55 and state law which would apply if he or she were the seller or
56 transferor of the firearm.

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

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

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

73 (g) The licensed dealer may require the purchaser or other
74 transferee to pay a fee covering the administrative costs
75 incurred by the licensed dealer for facilitating the transfer of

76 | the firearm, plus applicable fees pursuant to federal and state
77 | law.

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

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

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

86 | (c) A gunsmith who receives a firearm solely for the
87 | purposes of service or repair, or the return of the firearm to
88 | its owner by the gunsmith.

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

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

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

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

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

115 (i) A spouse, child, or parent of the firearm owner who
116 acquired the firearm by operation of law upon the death of the
117 former firearm owner.

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

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

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

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

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

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