

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Good offered the following:

Amendment (with title amendment)

Between lines 425 and 426, insert:

Section 6. 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 dealer, who shall retain possession of the
24 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 dealer shall process the sale or other transfer as
28 if he or she were the seller or other transferor. The dealer
29 shall comply with all requirements of federal and state law that
30 would apply if he or she were the seller or other transferor of
31 the firearm.
32 (c) The dealer shall follow the requirements of s. 790.065
33 and, if the transaction is not prohibited, deliver the firearm
34 to the purchaser or other transferee after all other legal
35 requirements are met.
36 (d) If the dealer cannot legally deliver the firearm to
37 the purchaser or other transferee, the dealer shall follow the
38 requirements of s. 790.065, and, if the return is not

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39 prohibited, return the firearm to the seller or other
40 transferor.

41 (e) If the dealer cannot legally return the firearm to the
42 seller or other transferor, the dealer shall deliver the firearm
43 to the sheriff of the county in which the dealer is located
44 within 24 hours.

45 (f) The dealer may require the purchaser or other
46 transferee to pay a fee covering the administrative costs
47 incurred by the dealer for facilitating the transfer of the
48 firearm, plus applicable fees pursuant to federal and state law.

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

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

53 (b) A gunsmith who receives a firearm solely for the
54 purposes of service or repair, or the return of the firearm to
55 its owner by the gunsmith.

56 (c) A common carrier, warehouseman, or other person
57 engaged in the business of transportation or storage, to the
58 extent that the receipt of any firearm is in the ordinary course
59 of business and not for the personal use of any such person.

60 (d) A person who is loaned a firearm solely for the
61 purpose of shooting at targets, if the loan occurs on the
62 premises of a target facility, and the firearm is at all times
63 kept within the premises of the target range.

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64 (e) A person who is under 18 years of age who is loaned a
65 firearm for lawful hunting or sporting purposes or for any other
66 lawful recreational activity while under the direct supervision
67 and control of a responsible adult.

68 (f) A person who is 18 years of age or older who is loaned
69 a firearm while the person is accompanying the lawful owner and
70 using the firearm for lawful hunting or sporting purposes or for
71 any other lawful recreational activity.

72 (g) An adult family member of the lawful owner of the
73 firearm if the owner resides with the family member but is not
74 currently present in the residence, provided that the family
75 member does not maintain control over the firearm for more than
76 14 consecutive days. This paragraph does not apply if the owner
77 or the family member knows or has reasonable cause to believe
78 that federal or state law prohibits the family member from
79 purchasing or possessing firearms, or the owner knows or has
80 reasonable cause to believe that the family member is likely to
81 use the firearm for unlawful purposes.

82 (h) A spouse, child, or parent of the firearm owner who
83 acquired the firearm by operation of law upon the death of the
84 former firearm owner.

85 (i) The temporary transfer of a firearm if such transfer
86 is to prevent immediate or imminent death or great bodily harm
87 to one's self or others, provided that the person to whom the
88 firearm is transferred is not prohibited from possessing a

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89 firearm under state or federal law and the temporary transfer
90 lasts no longer than necessary to prevent such immediate or
91 imminent death or great bodily harm.

92 (j) The sale or transfer of an antique firearm.

93 (5) A person who violates this section commits a felony of
94 the third degree, punishable as provided in s. 775.082, s.
95 775.083, or s. 775.084.

96 (5) In addition to any other penalty or remedy, the
97 investigating law enforcement agency shall report any violation
98 of this section committed by a licensed dealer to the Attorney
99 General.

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101 -----

102 **T I T L E A M E N D M E N T**

103 Remove line 29 and insert:
104 appropriations; creating s. 790.0653, F.S.; providing
105 a short title; requiring transfers of firearms when
106 neither party is a licensed dealer to be conducted
107 through a licensed dealer; requiring deposit of the
108 firearm with the dealer; requiring processing by the
109 dealer; providing for disposition of the firearm if
110 the dealer cannot legally complete the transaction;
111 authorizing a fee; providing exceptions; providing
112 criminal penalties for violations; requiring reports

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113 | of violations by licensed dealers; amending s.
114 | 790.065, F.S.; prohibiting

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