

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Hunschofsky offered the following:

**Amendment (with title amendment)**

Between lines 24 and 25, insert:

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

790.0653 Transfers of firearms; transfer through licensed dealer required.-

(1) As used in this section, the term:

(a) "Background check" means the process described in 18 U.S.C. s. 922(t) and s. 790.065 of using the National Instant Criminal Background Check System and other systems to determine

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13 that a person is not prohibited from possessing or receiving a  
14 firearm under federal or state law.

15 (b) "Family member" means a spouse or any of the following  
16 relations, whether by consanguinity, adoption, or step-relation:  
17 parent, child, sibling, grandparent, or grandchild.

18 (c) "Firearm" has the same meaning as in s. 790.001(6) and  
19 includes any handgun, rifle, or shotgun or any completed or  
20 unfinished frame or receiver.

21 (d) "Licensed dealer" means a person who holds a federal  
22 firearms license issued pursuant to 18 U.S.C. s. 923(a).

23 (e) "Person" means any individual, corporation, trust,  
24 company, firm, partnership, association, club, organization,  
25 society, joint stock company, or other legal entity.

26 (f) "Purchaser or other transferee" means an unlicensed  
27 person who wishes or intends to receive a firearm from another  
28 unlicensed person.

29 (g) "Sale" means the sale, delivery, or passing of  
30 ownership or control of a firearm for a fee or other  
31 consideration.

32 (h) "Seller or other transferor" means an unlicensed  
33 person who wishes or intends to transfer a firearm to another  
34 unlicensed person.

35 (i) "Transfer" means to furnish, give, lend, deliver, or  
36 otherwise provide, with or without consideration.

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37 (j) "Unfinished frame or receiver" means a forging,  
38 casting, printing, extrusion, machined body, or similar item  
39 that is:

40 1. Designed to or may readily be completed, assembled, or  
41 otherwise converted to function as a frame or receiver; or

42 2. Marketed or sold to the public to become or be used as  
43 the frame or receiver of a functional firearm, rifle, or shotgun  
44 once completed, assembled, or otherwise converted.

45  
46 However, the term does not include a component designed and  
47 intended for use in an antique weapon.

48 (j) "Unlicensed person" means a person who is not a  
49 licensed dealer.

50 (2) All persons involved in firearm sales or other  
51 transfers, in whole or in part, shall be subject to background  
52 checks unless specifically exempted by state or federal law. If  
53 the person involved in the firearm sale or other transfer, in  
54 whole or in part, is a corporation or any entity other than an  
55 individual person, the principal individual or individuals  
56 involved in such sale or other transfer on behalf of the  
57 corporation or other entity shall be subject to background  
58 checks unless specifically exempted by federal law. A person may  
59 not sell or otherwise transfer a firearm unless:

60 (a) The person is a licensed dealer;

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

63       (c) The requirements of subsection (3) are met.

64       (3) If neither party to a prospective firearm sale or  
65 other transfer is a licensed dealer, the parties to the  
66 transaction shall complete the sale or other transfer through a  
67 licensed dealer as follows:

68       (a) The seller or other transferor and the purchaser or  
69 other transferee shall appear jointly with the firearm at a  
70 licensed dealer and request that the licensed dealer conduct a  
71 background check on the purchaser or other transferee.

72       (b) A licensed dealer who agrees to facilitate a  
73 background check pursuant to this section shall process the sale  
74 or other transfer as if he or she were transferring the firearm  
75 from the licensed dealer's own inventory to the purchaser or  
76 other transferee, complying with all requirements of federal and  
77 state law that would apply if he or she were the seller or other  
78 transferor of the firearm, including all background checks and  
79 recordkeeping requirements.

80       (c) The seller or other transferor and the purchaser or  
81 other transferee shall each complete, sign, and submit all state  
82 and federal forms necessary to process the background check and  
83 otherwise complete the sale or other transfer pursuant to this  
84 section, and the licensed dealer shall indicate on the forms  
85 that the sale or other transfer is between unlicensed persons.

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86 (d) This section does not prevent the seller or other  
87 transferor from removing the firearm from the premises of the  
88 licensed dealer while the background check is being conducted or  
89 during the applicable waiting period, provided that the seller  
90 or other transferor returns to the business premises of the  
91 licensed dealer and delivers the firearm to the licensed dealer  
92 before completion of the sale or other transfer.

93 (e) A licensed dealer or a seller or other transferor may  
94 not sell or otherwise transfer a firearm to a purchaser or other  
95 transferee if the results of the background check indicate that  
96 the purchaser or other transferee is prohibited from possessing  
97 or receiving a firearm under federal or state law.

98 (f) A licensed dealer who agrees to conduct a background  
99 check may charge a reasonable fee not to exceed the  
100 administrative costs incurred by the licensed dealer for  
101 facilitating the sale or other transfer of the firearm, plus  
102 applicable fees pursuant to federal and state law.

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

104 (a) A law enforcement officer, as defined in s. 943.10(1)  
105 or corrections agency, or a law enforcement officer or  
106 correctional officer, as defined in s. 943.10(1) and (2),  
107 respectively, vested with the authority to bear arms, acting  
108 within the course and scope of his or her employment or official  
109 duties.

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110 (b) A United States Marshals Service officer, United  
111 States Armed Forces or National Guard member, or federal  
112 official vested with the authority to bear arms, acting within  
113 the course and scope of his or her employment or official  
114 duties.

115 (c) A gunsmith who receives a firearm solely for the  
116 purposes of service or repair who returns the firearm to its  
117 lawful owner.

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

122 (e) A person who is not prohibited from possessing or  
123 receiving a firearm under state or federal law who has  
124 temporarily transferred a firearm:

125 1. Solely for the purpose of shooting at targets, if the  
126 transfer occurs on the premises of a sport shooting range  
127 authorized by the governing body of the jurisdiction in which  
128 the range is located, or, if no such authorization is required,  
129 operated consistently with local law in such jurisdiction, and  
130 the firearm is at all times kept within the premises of the  
131 sport shooting range;

132 2. While the person is accompanying the lawful owner of  
133 the firearm and using the firearm for lawful hunting purposes,  
134 if hunting is legal in all places where the person possesses the

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135 firearm and the person holds all licenses and permits required  
136 for such hunting;

137 3. While participating in a lawfully organized competition  
138 involving the use of a firearm; or

139 4. While in the presence of the seller or other  
140 transferor.

141 (f) A family member of the seller or other transferor.

142 This paragraph does not apply if the lawful owner or family  
143 member knows or has reasonable cause to believe that federal or  
144 state law prohibits the family member from purchasing or  
145 possessing a firearm, or the seller or other transferor knows or  
146 has reasonable cause to believe that the family member is likely  
147 to use the firearm for unlawful purposes.

148 (g) An executor, administrator, trustee, or personal  
149 representative of an estate or trust that occurs by operation of  
150 law upon the death of the former lawful owner of the firearm.

151 (h) The temporary transfer of a firearm if such transfer  
152 is to prevent immediate or imminent death or great bodily harm  
153 to one's self or others, provided that the person to whom the  
154 firearm is transferred is not prohibited from possessing a  
155 firearm under state or federal law and the temporary transfer  
156 lasts no longer than necessary to prevent such immediate or  
157 imminent death or great bodily harm.

158 (i) The sale or other transfer of an antique firearm.

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159 (5) A person who violates this section commits a felony of  
160 the third degree, punishable as provided in s. 775.082, s.  
161 775.083, or s. 775.084.

162 (6) In addition to any other penalty or remedy, the  
163 investigating law enforcement agency shall report any violation  
164 of this section committed by a licensed dealer to the Attorney  
165 General.

166 (7) This section does not apply to any firearm modified to  
167 render it permanently inoperable.

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169

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

171 Remove lines 2-7 and insert:

172 An act relating to firearm purchases or transfers;  
173 amending s. 790.065, F.S.; reducing the minimum age at  
174 which a person may purchase a firearm and the age of  
175 purchasers to which specified licensees are prohibited  
176 from selling or transferring a firearm; repealing an  
177 exception; providing an effective date. repealing an  
178 exception; creating s. 790.0653, F.S.; providing  
179 definitions; requiring a background check on every  
180 sale or other transfer of a firearm; requiring  
181 background checks on all persons involved in firearm  
182 sales or other transfers; requiring firearm sales or  
183 other transfers to be conducted through, and processed

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184 | by, a licensed dealer; authorizing a fee; providing  
185 | exceptions; providing criminal penalties; requiring  
186 | the investing law enforcement agency to report certain  
187 | violations to the Attorney General; providing  
188 | applicability; providing an effective date.

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