

Amendment No.

CHAMBER ACTION

Senate

House

.

---

Representative Good offered the following:

**Amendment (with title amendment)**

Between lines 1042 and 1043, insert:

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

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

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

745257

Approved For Filing: 4/1/2019 3:59:27 PM

Amendment No.

13 Section 19. Section 790.0653, Florida Statutes, is created  
14 to read:

15 790.0653 Transfers of firearms; transfer through licensed  
16 dealer required.-

17 (1) A person may not sell or otherwise transfer a firearm,  
18 including selling or transferring a firearm via the Internet,  
19 unless:

20 (a) The person is a licensed dealer;

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

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

24 (2) If neither party to a prospective firearms transaction  
25 is a licensed dealer, the parties to the transaction shall  
26 complete the sale or other transfer through a licensed dealer as  
27 follows:

28 (a) The seller or other transferor shall deliver the  
29 firearm to the licensed dealer, who shall retain possession of  
30 the firearm until all legal requirements for the sale or other  
31 transfer have been met, including compliance with any state or  
32 local waiting periods.

33 (b) The licensed dealer shall process the sale or other  
34 transfer as if he or she were the seller or other transferor.  
35 The licensed dealer must comply with all requirements of federal  
36 and state law that would apply if he or she were the seller or  
37 other transferor of the firearm.

745257

Approved For Filing: 4/1/2019 3:59:27 PM

Amendment No.

38 (c) Notwithstanding any other provision of law, the  
39 licensed dealer may allow the seller or transferor who is not a  
40 licensed dealer to remove the firearm from the business premises  
41 of the licensed dealer while the background check is conducted  
42 and while the applicable waiting period requirements are met.  
43 The licensed dealer must comply with all requirements of federal  
44 and state law which would apply if he or she were the seller or  
45 transferor of the firearm.

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

50 (e) If the licensed dealer cannot legally deliver the  
51 firearm to the purchaser or other transferee because the person  
52 is prohibited from possessing a firearm under s. 790.065(2) or  
53 other state or federal law, the licensed dealer shall follow the  
54 requirements of s. 790.065, and, if the return is not  
55 prohibited, return the firearm to the seller or other  
56 transferor.

57 (f) If the licensed dealer cannot legally return the  
58 firearm to the seller or other transferor, the licensed dealer  
59 shall deliver the firearm to the sheriff of the county in which  
60 the licensed dealer is located within 24 hours for disposition  
61 as provided in s. 790.08(5).

745257

Approved For Filing: 4/1/2019 3:59:27 PM

Amendment No.

62 (g) The licensed dealer may require the purchaser or other  
63 transferee to pay a fee covering the administrative costs  
64 incurred by the licensed dealer for facilitating the transfer of  
65 the firearm, plus applicable fees pursuant to federal and state  
66 law.

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

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

71 (b) The activities of the United States Marshals Service,  
72 members of the United States Armed Forces or the National Guard,  
73 or federal officials required to carry firearms while performing  
74 their official duties.

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

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

82 (e) A person who is loaned a firearm solely for the  
83 purpose of shooting at targets, if the loan occurs on the  
84 premises of a sport shooting range, and the firearm is at all  
85 times kept within the premises of the sport shooting range.

745257

Approved For Filing: 4/1/2019 3:59:27 PM

Amendment No.

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

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

94        (h) An adult family member of the lawful owner of the  
95 firearm if the owner resides with the family member but is not  
96 currently present in the residence, provided that the family  
97 member does not maintain control over the firearm for more than  
98 14 consecutive days. This paragraph does not apply if the owner  
99 or the family member knows or has reasonable cause to believe  
100 that federal or state law prohibits the family member from  
101 purchasing or possessing firearms, or the owner knows or has  
102 reasonable cause to believe that the family member is likely to  
103 use the firearm for unlawful purposes.

104        (i) A spouse, child, or parent of the firearm owner who  
105 acquired the firearm by operation of law upon the death of the  
106 former firearm owner.

107        (j) The temporary transfer of a firearm if such transfer  
108 is to prevent immediate or imminent death or great bodily harm  
109 to one's self or others, provided that the person to whom the  
110 firearm is transferred is not prohibited from possessing a

745257

Approved For Filing: 4/1/2019 3:59:27 PM

Amendment No.

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

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

115 (4) A person who violates this section commits a felony of  
116 the third degree, punishable as provided in s. 775.082, s.  
117 775.083, or s. 775.084.

118 (5) In addition to any other penalty or remedy, the  
119 investigating law enforcement agency shall report any violation  
120 of this section committed by a licensed dealer to the Attorney  
121 General.

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

124 -----

125  
126 **T I T L E A M E N D M E N T**

127 Remove line 59 and insert:

128 provisions to changes made by the act; amending s. 790.001,  
129 F.S.; providing a definition; creating s. 790.0653, F.S.;  
130 requiring transfers of firearms to be conducted through a  
131 licensed dealer; requiring deposit of the firearm with the  
132 licensed dealer; requiring processing by the licensed dealer;  
133 providing for disposition of the firearm if the licensed dealer  
134 cannot legally complete the transaction; authorizing a fee;  
135 providing exceptions; providing criminal penalties for

745257

Approved For Filing: 4/1/2019 3:59:27 PM

Amendment No.

136 | violations; requiring reports of violations by licensed dealers;  
137 | providing

745257

Approved For Filing: 4/1/2019 3:59:27 PM