A bill to be entitled
An act relating to weapons and firearms; creating s. 790.0653, F.S.; providing definitions; requiring a background check on every sale or other transfer of a firearm; requiring background checks on all persons involved in firearm sales or other transfers; requiring firearm sales or other transfers to be conducted through, and processed by, a licensed dealer; authorizing a fee; providing exceptions; providing criminal penalties; requiring reporting to the Attorney General; providing applicability; providing an effective date.

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

Section 1. 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 that a person is not prohibited from possessing or receiving a firearm under federal or state law.
(b) "Family member" means a spouse or any of the following relations, whether by consanguinity, adoption, or step-relation: parent, child, sibling, grandparent, or grandchild.

(c) "Firearm" has the same meaning as in s. 790.001 and includes any handgun, rifle, or shotgun.

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

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

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

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

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

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

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

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

(a) The person is a licensed dealer;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. While the person is accompanying the lawful owner of
the firearm and using the firearm for lawful hunting purposes,
if hunting is legal in all places where the person possesses the
firearm and the person holds all licenses and permits required
for such hunting;

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

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

(f) A family member of the seller or other transferor.
This paragraph does not apply if the lawful owner or family
member knows or has reasonable cause to believe that federal or
state law prohibits the family member from purchasing or
possessing a firearm, or the seller or other transferor knows or
has reasonable cause to believe that the family member is likely
to use the firearm for unlawful purposes.

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

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

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

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

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

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

Section 2. This act shall take effect July 1, 2020.