

SB 548 – Firearms

This bill amends s. 790.065(1)(a), F.S., adding that a completed form from the potential buyer or transferee of a firearm must include “questions as to any criminal history of the potential buyer or transferee...and other information relating to his or her eligibility to purchase a firearm.” Furthermore, “if the review of records under subsection (2) indicates that the potential buyer or transferee is prohibited under state or federal law from having in her or his care, custody, possession, or control a firearm and that the potential transfer, sale, or purchase has received a nonapproval number, the Department of Law Enforcement shall send notification of the nonapproval to the federal or state correctional, law enforcement, prosecutorial, and other criminal justice agencies that have jurisdiction in the county where the transfer or purchase was attempted.” Furthermore, it removes prior exceptions that the subsection did not apply to, including a holder of a valid concealed weapons or firearms license and the purchase, trade, or transfer of a rifle or shotgun by a resident of this state.

It also adds s. 790.065(1)(d), F.S. and states that “if neither party to a prospective firearms sale, lease, or transfer is a licensed dealer, the parties to the transaction must complete the sale, lease, or other transfer through a licensed dealer.” Additional details are also included regarding handling of the firearm during this process with exceptions to the paragraph. This bill also deletes paragraphs regarding actions to be taken during “scheduled computer downtime, electronic failure” as well as the scenarios where a “licensed importer, licensed manufacturer, or licensed dealer is not required to comply with the requirements of this section.” Finally, it adds to the current unranked, 3rd degree felony (Level 1 by default) for someone younger than 21 years of age purchasing a firearm that “a person may not sell or transfer” a firearm to someone younger than 21 years of age, and that “the sale or transfer of a firearm to a person younger than 21 years of age may not be facilitated by any other person or entity on behalf of the person younger than 21 years of age.”

In addition to the felony for the purchase of a firearm when under 21 years of age, there are multiple felonies listed under s. 790.065, F.S. which could be impacted by this change in language (i.e. dealer requesting criminal history information under false pretenses or willfully disseminating such information, a dealer violating subsection (1), a buyer providing false information, etc.) Per DOC, in FY 18-19, there were no new commitments to prison for any of the felonies described in s. 790.065, F.S., nor were there any new commitments for a violation of s. 790.401(11)(b), F.S. where “a person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he or she is prohibited from doing so by an order.” Also, there were no new commitments to prison for the sale or transfer of arms to minors by dealers (s. 790.18, F.S.). Although the impact of the language cannot be quantified due to lack of data, it is expected that the increased restrictiveness by requiring a licensed dealer as intermediary for the movement of a gun between two different people, the requirement that unauthorized potential buyers be reported, and the changes to the felony for sales to those under 21

years of age could increase the pool of potential offenders for the felonies listed in the statute.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate