

SB 7028 – Public Safety

This bill amends s. 790.065, F.S., outlining what a person who is not a licensed importer, manufacturer, or dealer of firearms must do in order to facilitate a private sale without using a person who is licensed. A **2nd degree misdemeanor** is added for violating these requirements. Furthermore, this bill creates s. 790.0653, F.S., stating that “a person may not sell, offer for sale, deliver, or transfer a firearm to another person for consideration if any part of the transaction is conducted on property to which the public has the right of access, unless he or she first meets the requirements that apply to a licensed importer, a licensed manufacturer, or a licensed dealer.” Details are provided for requesting someone who is licensed to conduct the sale on behalf of the dealer. A person who violates these requirements commits a **1st degree misdemeanor**, with a second or subsequent offense elevated to an **unranked, 3rd degree felony (Level 1 by default)**. The mandatory waiting period is also applied, and s. 790.0655, F.S. is amended to include this under the Level 1, 3rd degree felony. Finally, it increases the defined age of a minor from 16 to 18 and adds the following (in bold) to the 2nd degree misdemeanor: “failing to store or leave a firearm in the required manner and as a result thereof **a person of unsound mind or** a minor gains access to the firearm, without the lawful permission of the minor’s parent or the person having charge of the minor, and possesses or exhibits it, without the supervision required by law.”

Per DOC, in FY 17-18, the incarceration rate for a Level 1, 3rd degree felony was 8.7%. In FY 18-19, there were no new commitments to prison for a violation of s. 790.0655, F.S. It is not known how many additional offenders there will be with the changes to this language.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate