

By Senator Stewart

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1 A bill to be entitled
2 An act relating to firearm liability insurance;
3 creating s. 790.0651, F.S.; defining the terms
4 "purchaser" and "qualified liability insurance
5 policy"; requiring specified purchasers of firearms to
6 be covered by a qualified liability insurance policy;
7 prohibiting a private seller or transferor, licensed
8 importer, licensed manufacturer, or licensed dealer
9 from knowingly and willfully selling or delivering a
10 firearm to a purchaser not meeting such requirement;
11 providing that a private seller or transferor,
12 licensed importer, licensed manufacturer, or licensed
13 dealer is not subject to criminal liability if certain
14 conditions are met; requiring the Department of Law
15 Enforcement to adopt a certain form by rule; providing
16 criminal penalties; providing an effective date.

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

19
20 Section 1. Section 790.0651, Florida Statutes, is created
21 to read:

22 790.0651 Required liability insurance for the purchase of a
23 firearm by certain persons; prohibitions; penalties.-

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

25 (a) "Purchaser" means a person buying a firearm who resides
26 at the same address as any person 21 years of age or younger.

27 (b) "Qualified liability insurance policy" means a
28 liability insurance policy that:

29 1. Covers a purchaser specifically for losses resulting

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30 from use of a firearm while it is owned by the purchaser;

31 2. Provides such coverage in the amounts of at least
32 \$25,000 in medical benefits for injuries incurred as a result of
33 the discharge of the firearm and \$10,000 in liability coverage
34 for property damage resulting from the discharge of the firearm;
35 and

36 3. Is issued by an insurer authorized to transact insurance
37 in this state.

38 (2) Notwithstanding any law to the contrary, a purchaser
39 shall be covered by a qualified liability insurance policy while
40 the purchaser is in possession of a firearm or while the
41 purchaser resides at the same address as any person 21 years of
42 age or younger.

43 (3) Notwithstanding any law to the contrary, a private
44 seller or transferor, licensed importer, licensed manufacturer,
45 or licensed dealer may not knowingly and willfully sell or
46 deliver a firearm to a purchaser who does not meet the
47 requirements of subsection (2).

48 (4) A private seller or transferor, licensed importer,
49 licensed manufacturer, or licensed dealer is not subject to
50 criminal liability under this section if:

51 (a) The purchaser provides the private seller or
52 transferor, licensed importer, licensed manufacturer, or
53 licensed dealer proof that the purchaser has a qualified
54 liability insurance policy before the sale or transfer, and the
55 private seller or transferor, licensed importer, licensed
56 manufacturer, or licensed dealer provides such proof to the
57 Department of Law Enforcement; or

58 (b) The buyer attests in a written declaration, in a form

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59 prescribed by rule of the Department of Law Enforcement and
60 verified in accordance with s. 92.525(2), that he or she does
61 not reside at the same address as any person 21 years of age or
62 younger, and the private seller or transferor, licensed
63 importer, licensed manufacturer, or licensed dealer provides
64 such declaration to the Department of Law Enforcement.

65 (5) A purchaser who violates subsection (2) commits a
66 misdemeanor of the first degree, punishable as provided in s.
67 775.082 or s. 775.083. A person who knowingly makes a false
68 declaration under paragraph (4)(b) violates s. 92.525(3),
69 punishable as provided in that section.

70 (6) A private seller or transferor, licensed importer,
71 licensed manufacturer, or licensed dealer who violates
72 subsection (3) commits a felony of the third degree, punishable
73 as provided in s. 775.082, s. 775.083, or s. 775.084.

74 Section 2. This act shall take effect October 1, 2023.