

26 | prohibiting specified acts involving unfinished
 27 | firearm frames or receivers; providing exceptions;
 28 | providing criminal penalties; providing applicability;
 29 | defining the term "licensed dealer"; prohibiting
 30 | certain actions leading to the assembly of a firearm;
 31 | prohibiting certain activities involving a three-
 32 | dimensional printer or computer numerical control
 33 | milling machine that has the primary or intended
 34 | function of manufacturing or assembling firearms or
 35 | related items; providing an effective date.

36 |
 37 | Be It Enacted by the Legislature of the State of Florida:
 38 |

39 | Section 1. This act may be cited as the "Responsible Gun
 40 | Ownership Act."

41 | Section 2. Section 790.0653, Florida Statutes, is created
 42 | to read:

43 | 790.0653 Transfers of firearms; transfer through licensed
 44 | dealer required.-

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

46 | (a) "Background check" means the process described in 18
 47 | U.S.C. s. 922(t) and s. 790.065 of using the National Instant
 48 | Criminal Background Check System and other systems to determine
 49 | that a person is not prohibited from possessing or receiving a
 50 | firearm under federal or state law.

51 (b) "Family member" means a spouse or any of the following
52 relations, whether by consanguinity, adoption, or step-relation:
53 parent, child, sibling, grandparent, or grandchild.

54 (c) "Firearm" has the same meaning as in s. 790.001(6) and
55 includes any handgun, rifle, or shotgun or any completed or
56 unfinished frame or receiver.

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

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

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

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

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

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

73 (j) "Unfinished frame or receiver" means a forging,
74 casting, printing, extrusion, machined body, or similar item
75 that is:

76 1. Designed to or may readily be completed, assembled, or
77 otherwise converted to function as a frame or receiver; or

78 2. Marketed or sold to the public to become or be used as
79 the frame or receiver of a functional firearm, rifle, or shotgun
80 once completed, assembled, or otherwise converted.

81
82 However, the term does not include a component designed and
83 intended for use in an antique weapon.

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

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

96 (a) The person is a licensed dealer;

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

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

100 (3) If neither party to a prospective firearm sale or

101 other transfer is a licensed dealer, the parties to the
102 transaction shall complete the sale or other transfer through a
103 licensed dealer as follows:

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

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

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

122 (d) This section does not prevent the seller or other
123 transferor from removing the firearm from the premises of the
124 licensed dealer while the background check is being conducted or
125 during the applicable waiting period, provided that the seller

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126 or other transferor returns to the business premises of the
127 licensed dealer and delivers the firearm to the licensed dealer
128 before completion of the sale or other transfer.

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

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

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

140 (a) A law enforcement officer, as defined in s. 943.10(1)
141 or corrections agency, or a law enforcement officer or
142 correctional officer, as defined in s. 943.10(1) and (2),
143 respectively, vested with the authority to bear arms, acting
144 within the course and scope of his or her employment or official
145 duties.

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

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

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

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

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

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

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

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

176 transferor.

177 (f) A family member of the seller or other transferor.

178 This paragraph does not apply if the lawful owner or family
179 member knows or has reasonable cause to believe that federal or
180 state law prohibits the family member from purchasing or
181 possessing a firearm, or the seller or other transferor knows or
182 has reasonable cause to believe that the family member is likely
183 to use the firearm for unlawful purposes.

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

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

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

195 (5) A person who violates this section commits a felony of
196 the third degree, punishable as provided in s. 775.082, s.
197 775.083, or s. 775.084.

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

201 General.

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

204 Section 3. Section 790.174, Florida Statutes, is amended
 205 to read:

206 790.174 Safe storage of firearms required.—

207 (1) (a) A person who stores or leaves, on a premise under
 208 his or her control, a ~~loaded~~ firearm, as defined in s. 790.001,
 209 and who knows or reasonably should know that a minor is likely
 210 to gain access to the firearm without the lawful permission of
 211 the minor's parent or the person having charge of the minor, or
 212 without the supervision required by law, shall keep the firearm
 213 in a securely locked box or container ~~or in a location which a~~
 214 ~~reasonable person would believe to be secure~~ or shall secure it
 215 with a trigger lock, except when the person is carrying the
 216 firearm on his or her body or within such close proximity
 217 thereto that he or she can retrieve and use it as easily and
 218 quickly as if he or she carried it on his or her body.

219 (b) A person who stores or leaves, on a premise under his
 220 or her control, a firearm, as defined in s. 790.001, and who
 221 knows or reasonably should know that a prohibited user is likely
 222 to gain access to the firearm, shall keep the firearm in a
 223 securely locked box or container or shall secure it with a
 224 trigger lock, except when the person is carrying the firearm on
 225 his or her body or within such close proximity thereto that he

226 or she can retrieve and use the firearm as easily and quickly as
 227 if he or she carried it on his or her body. For the purposes of
 228 this section, the term "prohibited user" means any person who is
 229 prohibited by state or federal law from possessing the firearm.

230 (2) Except as provided in paragraphs (b) and (c), ~~It is a~~
 231 ~~misdemeanor of the second degree, punishable as provided in s.~~
 232 ~~775.082 or s. 775.083,~~ if a person violates subsection (1):

233 (a) It is a misdemeanor of the second degree, punishable
 234 as provided in s. 775.082 or s. 775.083.

235 (b) ~~by failing to store or leave a firearm in the required~~
 236 ~~manner And as a result thereof~~ If, as a result of the violation,
 237 a prohibited user or a minor gains access to the firearm,
 238 without the lawful permission of the minor's parent or the
 239 person having charge of the minor, and possesses or exhibits it,
 240 without the supervision required by law:

241 1.(a) In a public place; or

242 2.(b) In a rude, careless, angry, or threatening manner in
 243 violation of s. 790.10.

244
 245 A person who violates subsection (1) commits misdemeanor of the
 246 first degree, punishable as provided in s. 775.082 or s.
 247 775.083.

248 (c) The penalties provided in this section do not apply if
 249 the prohibited user or the minor obtains the firearm: This
 250 ~~subsection does not apply~~

251 1. If the minor obtains the firearm As a result of an
 252 unlawful entry by any person.

253 2. While lawfully acting in self-defense or defense of
 254 another.

255 3. With the permission of the minor's parent or guardian
 256 and the minor uses or possesses the firearm during the minor's
 257 employment; ranching or farming; or target practice, hunting, or
 258 instruction in the safe use of a firearm.

259 (3) As used in this section ~~act~~, the term:

260 (a) "Locked box or container" means a secure container
 261 that is fully enclosed and locked by a padlock, key lock,
 262 combination lock, or similar locking device.

263 (b) "Locking device" means a trigger lock, cable lock, or
 264 similar lock that prevents an unloaded firearm from discharging
 265 when properly engaged so as to render such weapon inoperable by
 266 any person other than the owner or other lawfully authorized
 267 user.

268 (c) "Minor" means any person under the age of 18 ~~16~~.

269 Section 4. Section 790.175, Florida Statutes, is amended
 270 to read:

271 790.175 Transfer or sale of firearms; required warnings;
 272 penalties.—

273 (1) Except as provided in subsection (2), a licensed
 274 dealer may not sell a firearm in this state unless the sale
 275 includes one of the following:

276 (a) A commercially available trigger lock or other device
 277 designed to disable the firearm and prevent the discharge of the
 278 firearm.

279 (b) A commercially available gun case or storage container
 280 that can be secured to prevent unauthorized access to the
 281 firearm.

282 (2)~~(1)~~ Upon the retail commercial sale or retail transfer
 283 of any firearm, the licensed dealer ~~seller or transferor~~ shall
 284 deliver:

285 (a) A written warning to the purchaser or transferee,
 286 which warning states, in block letters not less than 1/4 inch in
 287 height:

288 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE,
 289 FOR ANY ADULT TO STORE OR LEAVE A FIREARM IN ANY PLACE
 290 WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS
 291 OF AGE OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP
 292 OR POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF
 293 UNSOUND MIND. YOU MAY BE CRIMINALLY AND CIVILLY LIABLE FOR
 294 ANY HARM CAUSED BY A MINOR WHO LAWFULLY GAINS UNSUPERVISED
 295 ACCESS TO YOUR FIREARM IF UNLAWFULLY STORED."

296 (b) A brochure or pamphlet that includes safety
 297 information on the use and storage of the firearm in a home
 298 environment.

299 (c) A written warning informing the purchaser of the
 300 penalties for failing to store or leave a firearm in the manner

301 required under s. 790.174.

302 (3)-(2) Any licensed dealer ~~retail or wholesale store,~~
 303 ~~shop, or sales outlet which sells firearms~~ must conspicuously
 304 post at each purchase counter the following warning in block
 305 letters not less than 1 inch in height:

306 "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN
 307 THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS OF AGE OR TO
 308 KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR POSSESSION OF
 309 A FIREARM TO A MINOR OR A PERSON OF UNSOUND MIND."

310 (4) This section does not apply to any of the following:

311 (a) The sale of a firearm to a law enforcement officer, as
 312 defined in s. 943.10(1), or an employing agency, as defined in
 313 s. 943.10(4).

314 (b) The sale of a firearm to a person who that presents to
 315 the licensed dealer one of the following:

316 1. A trigger lock or other device designed to disable the
 317 firearm and prevent the discharge of the firearm together with a
 318 copy of the purchase receipt for the licensed dealer to keep. A
 319 separate trigger lock or device and a separate purchase receipt
 320 shall be is required for each firearm purchased.

321 2. A gun case or storage container that can be secured to
 322 prevent unauthorized access to the firearm together with a copy
 323 of the purchase receipt for the licensed dealer to keep. A
 324 separate gun case or storage container and a separate purchase
 325 receipt shall be is required for each firearm purchased.

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326 (c) The sale of an antique firearm.

327 (5) Upon the sale of a firearm, a licensed dealer shall
328 sign a statement and require the purchaser to sign a statement
329 stating that the sale is in compliance with subsections (1),
330 (3), and (4). The dealer shall retain a copy of the signed
331 statements and, if applicable, a copy of the receipt prescribed
332 in paragraph (4)(b), for at least 6 years.

333 (6)(a) This section does not create a civil action or
334 liability for damages arising from the use or misuse of a
335 firearm or ammunition for a person, other than a licensed
336 dealer, who produces a firearm or ammunition.

337 (b) A licensed dealer is not liable for damages arising
338 from the use or misuse of a firearm if the sale complies with
339 this section, any other applicable law of this state, and
340 applicable federal law.

341 (7)~~(3)~~ Any person or business knowingly violating a
342 requirement to provide warning under this section commits:

343 (a) For a first violation, a misdemeanor of the second
344 degree, punishable as provided in s. 775.082 or s. 775.083.

345 (b) For a second violation, a misdemeanor of the first
346 degree, punishable as provided in s. 775.082 or s. 775.083.

347 (c) For a third or subsequent violation, a felony of the
348 third degree, punishable as provided in s. 775.082, s. 775.083,
349 or s. 775.084.

350 (8) As used in this section, the term "licensed dealer"

351 means a person who holds a license as a dealer in firearms
 352 issued pursuant to 18 U.S.C. s. 923(a).

353 Section 5. Section 790.223, Florida Statutes, is created
 354 to read:

355 790.223 Unfinished firearms.—

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

357 (a) "Assemble" means to fit component or parts together.

358 (b) "Firearms importer or manufacturer" means a person
 359 licensed to import or manufacture firearms pursuant to 18 U.S.C.
 360 chapter 44.

361 (c) "Law enforcement agency" has the same meaning as in s.
 362 23.1225(1)(d).

363 (d) "Manufacture" means to fabricate, make, form, produce,
 364 or construct by manual labor or machinery.

365 (e) "Undetectable firearm" means a firearm that is
 366 manufactured, assembled, or otherwise comprised entirely of
 367 nonmetal substances, if:

368 1. After removal of grips, stocks, and magazines the
 369 firearm is not detectable as a security exemplar by a walk-
 370 through metal detector calibrated to detect the security
 371 exemplar; or

372 2. The firearm includes a major component, as defined in
 373 18 U.S.C. 922, that, if subjected to inspection by the types of
 374 X-ray machines commonly used at airports, would not generate an
 375 image that accurately depicts the shape of the component.

376 (f) "Unfinished frame or receiver" has the same meaning as
377 provided in s. 790.0653(1)(j).

378 (2)(a) After January 1, 2024, a person may not knowingly
379 possess, purchase, transport, or receive an unfinished frame or
380 receiver unless:

381 1. The person is a firearms importer or manufacturer; or
382 2. The unfinished frame or receiver is imprinted with a
383 serial number issued by a firearms importer or manufacturer and
384 the unfinished frame or receiver has been imprinted with the
385 serial number pursuant to federal law.

386 (b) A person who violates this subsection commits:

387 1. For the first offense:

388 a. If the offense is a possession violation, a misdemeanor
389 of the second degree, punishable as provided in s. 775.082 or s.
390 775.083; or

391 b. If the first offense is any other violation, a
392 misdemeanor of the first degree, punishable as provided in s.
393 775.082 or s. 775.083; or

394 2. For a second or subsequent offense, a felony of the
395 third degree, punishable as provided in s. 775.082, s. 775.083,
396 or s. 775.084.

397 (3)(a) A person may not sell, offer to sell, or transfer
398 an unfinished frame or receiver unless:

399 1. The person is a firearms importer or manufacturer and
400 the recipient of the unfinished frame or receiver is a firearms

401 importer or manufacturer; or
 402 2. The unfinished frame or receiver is imprinted with a
 403 serial number issued by an importer or manufacturer and the
 404 unfinished frame or receiver has been imprinted with the serial
 405 number pursuant to federal law.

406 (b) A person who violates this subsection commits:

407 1. For the first offense, a misdemeanor of the first
 408 degree, punishable as provided in s. 775.082 or s. 775.083; or

409 2. For a second or subsequent offense, a felony of the
 410 third degree, punishable as provided in s. 775.082, s. 775.083,
 411 or s. 775.084.

412 (4)(a) A person may not manufacture or cause to be
 413 manufactured or assemble or cause to be assembled a firearm that
 414 is not imprinted with a serial number issued by a firearms
 415 importer or manufacturer in accordance with federal law and any
 416 regulations adopted thereunder unless the firearm:

417 1. Has been rendered permanently inoperable;

418 2. Is an antique firearm; or

419 3. Has been determined to be a collector's item pursuant
 420 to 26 U.S.C. chapter 53 or a curio or relic pursuant to 18
 421 U.S.C. chapter 44.

422 (b) A person who violates this subsection commits:

423 1. For the first offense, a misdemeanor of the first
 424 degree, punishable as provided in s. 775.082 or s. 775.083; or

425 2. For a second or subsequent offense, a felony of the

426 third degree, punishable as provided in s. 775.082, s. 775.083,
427 or s. 775.084.

428 (5)(a) After January 1, 2024, a person may not possess,
429 sell, offer to sell, transfer, purchase, transport or receive a
430 firearm that is not imprinted with a serial number issued by a
431 firearms importer or manufacturer in accordance with federal law
432 and any regulations adopted thereunder unless:

433 1. The person is:

434 a. A law enforcement agency; or

435 b. A firearms importer or manufacturer, and in the case of
436 an offer to sell, sale, or transfer, the purchaser or transferee
437 is a firearms importer or manufacturer; or

438 2. The firearm:

439 a. Has been rendered permanently inoperable;

440 b. Was manufactured before 1969;

441 c. Is an antique firearm; or

442 d. Has been determined to be a collector's item pursuant
443 to 26 U.S.C. chapter 53 or a curio or relic pursuant to 18
444 U.S.C. chapter 44.

445 (b) A person who violates this subsection commits:

446 1. For the first offense:

447 a. If the offense is a possession violation, a misdemeanor
448 of the second degree, punishable as provided in s. 775.082 or s.
449 775.083; or

450 b. If the first offense is any other violation, a

451 misdemeanor of the first degree, punishable as provided in s.
 452 775.082 or s. 775.083; or

453 2. For a second or subsequent offense, a felony of the
 454 third degree, punishable as provided in s. 775.082, s. 775.083,
 455 or s. 775.084.

456 (6)(a) A person may not knowingly allow, facilitate, aid,
 457 abet, or cause the manufacture or assembling of a firearm by a
 458 minor or any other person who is legally prohibited from
 459 possessing such a weapon under state or federal law.

460 (b) A person may not knowingly allow, facilitate, aid,
 461 abet, or cause the manufacture or assembly of an undetectable
 462 firearm.

463 (c) Except by operation of law, a person who does not have
 464 a valid federal license to manufacture firearms may not sell or
 465 transfer ownership of a firearm that the person manufactured or
 466 assembled.

467 (7)(a) A person may not to sell, offer to sell, or
 468 transfer a three-dimensional printer or computer numerical
 469 control (CNC) milling machine that has the primary or intended
 470 function of manufacturing or assembling firearms or completed or
 471 unfinished frame or receivers to any person who does not have a
 472 valid license to manufacture firearms.

473 (b) A person may not purchase or receive a three-
 474 dimensional printer or CNC milling machine that has the primary
 475 or intended function of manufacturing or assembling firearms or

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476 completed or unfinished frame or receivers, unless that person
477 has a valid license to manufacture firearms.

478 (c) A CNC milling machine or three-dimensional printer has
479 the primary or intended function of manufacturing firearms or
480 completed or unfinished frames and receivers if the machine or
481 printer has been marketed or sold to the public in a manner that
482 advertises that the machine or printer may be used to
483 manufacture firearms or completed or unfinished frames and
484 receivers, or in a manner that knowingly or recklessly promotes
485 the machine's use in manufacturing firearms or completed or
486 unfinished frames and receivers by individuals who are not
487 licensed firearms manufacturers, regardless of whether the
488 machine or printer is otherwise described or classified as
489 having other functions or as a general-purpose machine or
490 printer.

491 Section 6. This act does not prohibit the sale of an
492 unfinished frame or receiver or firearm that is not imprinted
493 with a serial number to a firearms importer or manufacturer or a
494 licensed dealer before January 1, 2024. As used in this section,
495 the term "licensed dealer" means a person licensed as a dealer
496 in firearms issued pursuant to 18 U.S.C. s. 923(a).

497 Section 7. This act shall take effect October 1, 2023.