

By Senator Stewart

17-00261-23

2023888\_\_

1                                   A bill to be entitled  
2           An act relating to firearms without a unique serial  
3           number or other identifying mark; creating s. 790.261,  
4           F.S.; defining terms; specifying requirements for  
5           persons manufacturing or assembling a firearm in this  
6           state, beginning on a specified date; requiring a  
7           person who owns a firearm without an assigned serial  
8           number or other identifying mark to comply with  
9           certain requirements on or after a specified date;  
10          prohibiting the sale or transfer of certain firearms;  
11          providing an exception; requiring the destruction of  
12          certain firearms; providing requirements for new  
13          Florida residents who wish to possess or who own  
14          certain firearms; prohibiting certain entities from  
15          allowing, facilitating, aiding, or abetting the  
16          manufacture or assembly of firearms by specified  
17          persons; providing criminal penalties; specifying that  
18          certain firearms are exempt from the act's  
19          requirements; requiring the Department of Law  
20          Enforcement to accept applications from persons and  
21          grant unique serial numbers or other identifying marks  
22          if certain conditions are met; requiring the  
23          department to approve or deny all applications within  
24          a certain timeframe; requiring the department to  
25          inform applicants of the reasons for denials in  
26          writing; providing applicability; providing  
27          construction; requiring the department to adopt rules;  
28          providing an effective date.  
29

17-00261-23

2023888\_\_

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

31  
32 Section 1. Section 790.261, Florida Statutes, is created to  
33 read:

34 790.261 Manufacture or assembly of firearms without unique  
35 serial number or other identifying mark.—

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

37 1. "Department" means the Department of Law Enforcement.

38 2. "Manufacturing or assembling" a firearm means to  
39 fabricate or construct a firearm, or to fit together the  
40 component parts of a firearm to construct a firearm. The term  
41 does not include a firearm manufactured or assembled by a  
42 licensed manufacturer or brought into this state by a licensed  
43 importer.

44 (b) Beginning July 1, 2024, a person manufacturing or  
45 assembling a firearm in this state shall do all of the  
46 following:

47 1. Apply to the department for a unique serial number or  
48 other identifying mark pursuant to subsection (3).

49 2.a. Within 10 days after manufacturing or assembling a  
50 firearm, engrave or permanently affix to the firearm the unique  
51 serial number or other identifying mark provided by the  
52 department in a manner that meets or exceeds the requirements  
53 imposed on licensed importers and licensed manufacturers of  
54 firearms pursuant to 18 U.S.C. s. 923(i) and regulations issued  
55 pursuant thereto.

56 b. If the firearm is manufactured or assembled from polymer  
57 plastic, embed within the plastic upon fabrication or  
58 construction at least 3.7 ounces of material type 17-4 PH

17-00261-23

2023888\_\_

59 stainless steel with the unique serial number or other  
60 identifying mark engraved or otherwise permanently affixed in a  
61 manner that meets or exceeds the requirements imposed on  
62 licensed importers and licensed manufacturers of firearms  
63 pursuant to 18 U.S.C. s. 923(i) and regulations issued pursuant  
64 thereto.

65 3. After the unique serial number or other identifying mark  
66 provided by the department is engraved or otherwise permanently  
67 affixed to the firearm, notify the department of that fact in a  
68 manner and within a timeframe specified by the department and  
69 with sufficient information to identify the owner of the  
70 firearm, the unique serial number or other identifying mark  
71 provided by the department, and the firearm in a manner  
72 prescribed by the department.

73 (c) Any person who, on or after July 1, 2024, owns a  
74 firearm that does not bear a serial number or other identifying  
75 mark assigned to it pursuant to 18 U.S.C. s. 921 et seq. and the  
76 regulations issued pursuant thereto shall do all of the  
77 following by January 1, 2025:

78 1. Apply to the department for a unique serial number or  
79 other identifying mark pursuant to subsection (3).

80 2. Within 10 days after receiving the unique serial number  
81 or other identifying mark from the department, engrave or  
82 permanently affix to the firearm such serial number or other  
83 identifying mark provided by the department in accordance with  
84 regulations prescribed by the department pursuant to subsection  
85 (3) and in a manner that meets or exceeds the requirements  
86 imposed on licensed importers and licensed manufacturers of  
87 firearms pursuant to 18 U.S.C. s. 923(i) and regulations issued

17-00261-23

2023888\_\_

88 pursuant thereto.

89 3. After the unique serial number or other identifying mark  
90 provided by the department is engraved or otherwise permanently  
91 affixed to the firearm, notify the department of that fact in a  
92 manner and within a timeframe specified by the department and  
93 with sufficient information to identify the owner of the  
94 firearm, the unique serial number or identifying mark provided  
95 by the department, and the firearm in a manner prescribed by the  
96 department.

97 (d)1. The sale or transfer of a firearm manufactured or  
98 assembled pursuant to this subsection is prohibited. This  
99 subparagraph does not apply to the transfer, surrender, or sale  
100 of a firearm to a law enforcement agency.

101 2. Any firearm confiscated by a law enforcement officer  
102 which does not bear an engraved or otherwise permanently affixed  
103 unique serial number or other identifying mark in accordance  
104 with paragraph (b) or paragraph (c), or a firearm surrendered,  
105 transferred, or sold to a law enforcement agency, must be  
106 destroyed.

107 (e) A new resident of this state shall apply for a unique  
108 serial number or other identifying mark pursuant to subsection  
109 (3) within 60 days after arrival for each firearm the resident  
110 wishes to possess in this state which the resident previously  
111 manufactured or assembled or each firearm the resident owns  
112 which does not have a unique serial number or other identifying  
113 mark.

114 (f) A person, corporation, or firm may not knowingly allow,  
115 facilitate, aid, or abet the manufacture or assembling of a  
116 firearm pursuant to this section by a person who is subject to

17-00261-23

2023888\_\_

117 any of the restrictions identified in s. 790.065(2)(a).

118 (g)1. If the violation includes a firearm that is a  
119 handgun, a person who violates this subsection commits a  
120 misdemeanor of the first degree, punishable as provided in s.  
121 775.082 or s. 775.083.

122 2. If the violation includes any other firearm, a person  
123 who violates this subsection commits a misdemeanor of the second  
124 degree, punishable as provided in s. 775.082 or s. 775.083 or by  
125 a fine not to exceed \$1,000, or both.

126 3. Each firearm found to be in violation of this subsection  
127 constitutes a distinct and separate offense. This subsection  
128 does not preclude prosecution under any other law providing for  
129 a greater penalty.

130 (2) Subsection (1) does not apply to any of the following:

131 (a) A firearm that has a serial number assigned to it  
132 pursuant to 18 U.S.C. s. 921 et seq. and the regulations issued  
133 pursuant thereto or pursuant to chapter 53 of Title 26 U.S.C.  
134 and the regulations issued pursuant thereto.

135 (b) A firearm that is a curio or an ornament as described  
136 in 27 C.F.R. s. 479.91, a relic, or an antique firearm as  
137 defined in 27 C.F.R. s. 479.11.

138 (c) A firearm made or assembled before October 22, 1968.

139 (3)(a) If the requirements of this subsection are met, the  
140 department must accept applications from, and must grant  
141 applications in the form of unique serial numbers or identifying  
142 marks to, persons who wish to:

143 1. Manufacture or assemble firearms pursuant to paragraph

144 (1)(b); or

145 2. Own a firearm described in paragraph (1)(c).

17-00261-23

2023888\_\_

146 (b) An application made pursuant to paragraph (a) may be  
147 approved by the department only if:

148 1. For each transaction, the department completes a  
149 background check of the applicant pursuant to s. 790.065 which  
150 demonstrates that the applicant is not prohibited by state or  
151 federal law from possessing, receiving, owning, or purchasing a  
152 firearm.

153 2. The applicant presents proof of age and identity. The  
154 applicant must be 21 years of age or older to obtain a unique  
155 serial number or other identifying mark for a firearm.

156 3. The applicant provides a description of the firearm that  
157 he or she owns or intends to manufacture or assemble, in a  
158 manner prescribed by the department.

159 (c) An application must be approved or denied within 15  
160 calendar days after the receipt of the application by the  
161 department.

162 (d) The department shall inform applicants denied an  
163 application of the reasons for the denial in writing.

164 (e) This subsection does not authorize a person to  
165 manufacture, assemble, or possess a weapon prohibited under s.  
166 790.221.

167 (4) The department shall adopt rules to administer this  
168 section.

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