

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Hunschofsky offered the following:

Amendment (with title amendment)

Between lines 2364 and 2365, insert:

Section 41. This section and ss. 42-46 of this act may be cited as the "Responsible Gun Ownership Act."

Section 42. Effective October 1, 2023, section 790.0653, Florida Statutes, is created to read:

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

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

(a) "Background check" means the process described in 18 U.S.C. s. 922(t) and s. 790.065 of using the National Instant

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14 Criminal Background Check System and other systems to determine
15 that a person is not prohibited from possessing or receiving a
16 firearm under federal or state law.

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

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

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

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

28 (f) "Purchaser or other transferee" means an unlicensed
29 person who wishes or intends to receive a firearm from another
30 unlicensed person.

31 (g) "Sale" means the sale, delivery, or passing of
32 ownership or control of a firearm for a fee or other
33 consideration.

34 (h) "Seller or other transferor" means an unlicensed
35 person who wishes or intends to transfer a firearm to another
36 unlicensed person.

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

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39 (j) "Unfinished frame or receiver" means a forging,
40 casting, printing, extrusion, machined body, or similar item
41 that is:

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

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

47
48 However, the term does not include a component designed and
49 intended for use in an antique weapon.

50 (j) "Unlicensed person" means a person who is not a
51 licensed dealer.

52 (2) All persons involved in firearm sales or other
53 transfers, in whole or in part, shall be subject to background
54 checks unless specifically exempted by state or federal law. If
55 the person involved in the firearm sale or other transfer, in
56 whole or in part, is a corporation or any entity other than an
57 individual person, the principal individual or individuals
58 involved in such sale or other transfer on behalf of the
59 corporation or other entity shall be subject to background
60 checks unless specifically exempted by federal law. A person may
61 not sell or otherwise transfer a firearm unless:

62 (a) The person is a licensed dealer;

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63 (b) The purchaser or other transferee is a licensed
64 dealer; or

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

66 (3) If neither party to a prospective firearm sale or
67 other transfer is a licensed dealer, the parties to the
68 transaction shall complete the sale or other transfer through a
69 licensed dealer as follows:

70 (a) The seller or other transferor and the purchaser or
71 other transferee shall appear jointly with the firearm at a
72 licensed dealer and request that the licensed dealer conduct a
73 background check on the purchaser or other transferee.

74 (b) A licensed dealer who agrees to facilitate a
75 background check pursuant to this section shall process the sale
76 or other transfer as if he or she were transferring the firearm
77 from the licensed dealer's own inventory to the purchaser or
78 other transferee, complying with all requirements of federal and
79 state law that would apply if he or she were the seller or other
80 transferor of the firearm, including all background checks and
81 recordkeeping requirements.

82 (c) The seller or other transferor and the purchaser or
83 other transferee shall each complete, sign, and submit all state
84 and federal forms necessary to process the background check and
85 otherwise complete the sale or other transfer pursuant to this
86 section, and the licensed dealer shall indicate on the forms
87 that the sale or other transfer is between unlicensed persons.

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88 (d) This section does not prevent the seller or other
89 transferor from removing the firearm from the premises of the
90 licensed dealer while the background check is being conducted or
91 during the applicable waiting period, provided that the seller
92 or other transferor returns to the business premises of the
93 licensed dealer and delivers the firearm to the licensed dealer
94 before completion of the sale or other transfer.

95 (e) A licensed dealer or a seller or other transferor may
96 not sell or otherwise transfer a firearm to a purchaser or other
97 transferee if the results of the background check indicate that
98 the purchaser or other transferee is prohibited from possessing
99 or receiving a firearm under federal or state law.

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

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

106 (a) A law enforcement officer, as defined in s. 943.10(1)
107 or corrections agency, or a law enforcement officer or
108 correctional officer, as defined in s. 943.10(1) and (2),
109 respectively, vested with the authority to bear arms, acting
110 within the course and scope of his or her employment or official
111 duties.

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112 (b) A United States Marshals Service officer, United
113 States Armed Forces or National Guard member, or federal
114 official vested with the authority to bear arms, acting within
115 the course and scope of his or her employment or official
116 duties.

117 (c) A gunsmith who receives a firearm solely for the
118 purposes of service or repair who returns the firearm to its
119 lawful owner.

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

124 (e) A person who is not prohibited from possessing or
125 receiving a firearm under state or federal law who has
126 temporarily transferred a firearm:

127 1. Solely for the purpose of shooting at targets, if the
128 transfer occurs on the premises of a sport shooting range
129 authorized by the governing body of the jurisdiction in which
130 the range is located, or, if no such authorization is required,
131 operated consistently with local law in such jurisdiction, and
132 the firearm is at all times kept within the premises of the
133 sport shooting range;

134 2. While the person is accompanying the lawful owner of
135 the firearm and using the firearm for lawful hunting purposes,
136 if hunting is legal in all places where the person possesses the

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137 firearm and the person holds all licenses and permits required
138 for such hunting;

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

141 4. While in the presence of the seller or other
142 transferor.

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

144 This paragraph does not apply if the lawful owner or family
145 member knows or has reasonable cause to believe that federal or
146 state law prohibits the family member from purchasing or
147 possessing a firearm, or the seller or other transferor knows or
148 has reasonable cause to believe that the family member is likely
149 to use the firearm for unlawful purposes.

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

153 (h) The temporary transfer of a firearm if such transfer
154 is to prevent immediate or imminent death or great bodily harm
155 to one's self or others, provided that the person to whom the
156 firearm is transferred is not prohibited from possessing a
157 firearm under state or federal law and the temporary transfer
158 lasts no longer than necessary to prevent such immediate or
159 imminent death or great bodily harm.

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

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161 (5) A person who violates this section commits a felony of
162 the third degree, punishable as provided in s. 775.082, s.
163 775.083, or s. 775.084.

164 (6) In addition to any other penalty or remedy, the
165 investigating law enforcement agency shall report any violation
166 of this section committed by a licensed dealer to the Attorney
167 General.

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

170 Section 43. Effective October 1, 2023, section 790.174,
171 Florida Statutes, is amended to read:

172 790.174 Safe storage of firearms required.—

173 (1)(a) A person who stores or leaves, on a premise under
174 his or her control, a ~~loaded~~ firearm, as defined in s. 790.001,
175 and who knows or reasonably should know that a minor is likely
176 to gain access to the firearm without the lawful permission of
177 the minor's parent or the person having charge of the minor, or
178 without the supervision required by law, shall keep the firearm
179 in a securely locked box or container ~~or in a location which a~~
180 ~~reasonable person would believe to be secure~~ or shall secure it
181 with a trigger lock, except when the person is carrying the
182 firearm on his or her body or within such close proximity
183 thereto that he or she can retrieve and use it as easily and
184 quickly as if he or she carried it on his or her body.

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185 (b) A person who stores or leaves, on a premise under his
186 or her control, a firearm, as defined in s. 790.001, and who
187 knows or reasonably should know that a prohibited user is likely
188 to gain access to the firearm, shall keep the firearm in a
189 securely locked box or container or shall secure it with a
190 trigger lock, except when the person is carrying the firearm on
191 his or her body or within such close proximity thereto that he
192 or she can retrieve and use the firearm as easily and quickly as
193 if he or she carried it on his or her body. For the purposes of
194 this section, the term "prohibited user" means any person who is
195 prohibited by state or federal law from possessing the firearm.

196 (2) Except as provided in paragraphs (b) and (c), ~~It is a~~
197 ~~misdemeanor of the second degree, punishable as provided in s.~~
198 ~~775.082 or s. 775.083,~~ if a person violates subsection (1):

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

201 ~~(b) by failing to store or leave a firearm in the required~~
202 ~~manner And as a result thereof~~ If, as a result of the violation,
203 a prohibited user or a minor gains access to the firearm,
204 without the lawful permission of the minor's parent or the
205 person having charge of the minor, and possesses or exhibits it,
206 without the supervision required by law:

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

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

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210
211 A person who violates subsection (1) commits misdemeanor of the
212 first degree, punishable as provided in s. 775.082 or s.
213 775.083.

214 (c) The penalties provided in this section do not apply if
215 the prohibited user or the minor obtains the firearm: This
216 subsection does not apply

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

219 2. While lawfully acting in self-defense or defense of
220 another.

221 3. With the permission of the minor's parent or guardian
222 and the minor uses or possesses the firearm during the minor's
223 employment; ranching or farming; or target practice, hunting, or
224 instruction in the safe use of a firearm.

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

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

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

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

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235 Section 44. Effective October 1, 2023, section 790.175,
236 Florida Statutes, is amended to read:

237 790.175 Transfer or sale of firearms; required warnings;
238 penalties.—

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

242 (a) A commercially available trigger lock or other device
243 designed to disable the firearm and prevent the discharge of the
244 firearm.

245 (b) A commercially available gun case or storage container
246 that can be secured to prevent unauthorized access to the
247 firearm.

248 (2)~~(1)~~ Upon the retail commercial sale or retail transfer
249 of any firearm, the licensed dealer ~~seller or transferor~~ shall
250 deliver:

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

254 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE,
255 FOR ANY ADULT TO STORE OR LEAVE A FIREARM IN ANY PLACE
256 WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS
257 OF AGE OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP
258 OR POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF
259 UNSOUND MIND. YOU MAY BE CRIMINALLY AND CIVILLY LIABLE FOR

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260 ANY HARM CAUSED BY A MINOR WHO LAWFULLY GAINS UNSUPERVISED
261 ACCESS TO YOUR FIREARM IF UNLAWFULLY STORED."

262 (b) A brochure or pamphlet that includes safety
263 information on the use and storage of the firearm in a home
264 environment.

265 (c) A written warning informing the purchaser of the
266 penalties for failing to store or leave a firearm in the manner
267 required under s. 790.174.

268 (3)-(2) Any licensed dealer retail or wholesale store,
269 shop, or sales outlet which sells firearms must conspicuously
270 post at each purchase counter the following warning in block
271 letters not less than 1 inch in height:

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

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

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

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

282 1. A trigger lock or other device designed to disable the
283 firearm and prevent the discharge of the firearm together with a
284 copy of the purchase receipt for the licensed dealer to keep. A

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285 separate trigger lock or device and a separate purchase receipt
286 shall be is required for each firearm purchased.

287 2. A gun case or storage container that can be secured to
288 prevent unauthorized access to the firearm together with a copy
289 of the purchase receipt for the licensed dealer to keep. A
290 separate gun case or storage container and a separate purchase
291 receipt shall be is required for each firearm purchased.

292 (c) The sale of an antique firearm.

293 (5) Upon the sale of a firearm, a licensed dealer shall
294 sign a statement and require the purchaser to sign a statement
295 stating that the sale is in compliance with subsections (1),
296 (3), and (4). The dealer shall retain a copy of the signed
297 statements and, if applicable, a copy of the receipt prescribed
298 in paragraph (4)(b), for at least 6 years.

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

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

307 (7)~~(3)~~ Any person or business knowingly violating a
308 requirement to provide warning under this section commits:

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

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

313 (c) For a third or subsequent violation, a felony of the
314 third degree, punishable as provided in s. 775.082, s. 775.083,
315 or s. 775.084.

316 (8) As used in this section, the term "licensed dealer"
317 means a person who holds a license as a dealer in firearms
318 issued pursuant to 18 U.S.C. s. 923(a).

319 Section 45. Effective October 1, 2023, section 790.223,
320 Florida Statutes, is created to read:

321 790.223 Unfinished firearms.—

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

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

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

327 (c) "Law enforcement agency" has the same meaning as in s.
328 23.1225(1)(d).

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

331 (e) "Undetectable firearm" means a firearm that is
332 manufactured, assembled, or otherwise comprised entirely of
333 nonmetal substances, if:

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334 1. After removal of grips, stocks, and magazines the
335 firearm is not detectable as a security exemplar by a walk-
336 through metal detector calibrated to detect the security
337 exemplar; or

338 2. The firearm includes a major component, as defined in
339 18 U.S.C. 922, that, if subjected to inspection by the types of
340 X-ray machines commonly used at airports, would not generate an
341 image that accurately depicts the shape of the component.

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

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

347 1. The person is a firearms importer or manufacturer; or

348 2. The unfinished frame or receiver is imprinted with a
349 serial number issued by a firearms importer or manufacturer and
350 the unfinished frame or receiver has been imprinted with the
351 serial number pursuant to federal law.

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

353 1. For the first offense:

354 a. If the offense is a possession violation, a misdemeanor
355 of the second degree, punishable as provided in s. 775.082 or s.
356 775.083; or

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357 b. If the first offense is any other violation, a
358 misdemeanor of the first degree, punishable as provided in s.
359 775.082 or s. 775.083; or

360 2. For a second or subsequent offense, a felony of the
361 third degree, punishable as provided in s. 775.082, s. 775.083,
362 or s. 775.084.

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

365 1. The person is a firearms importer or manufacturer and
366 the recipient of the unfinished frame or receiver is a firearms
367 importer or manufacturer; or

368 2. The unfinished frame or receiver is imprinted with a
369 serial number issued by an importer or manufacturer and the
370 unfinished frame or receiver has been imprinted with the serial
371 number pursuant to federal law.

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

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

375 2. For a second or subsequent offense, a felony of the
376 third degree, punishable as provided in s. 775.082, s. 775.083,
377 or s. 775.084.

378 (4)(a) A person may not manufacture or cause to be
379 manufactured or assemble or cause to be assembled a firearm that
380 is not imprinted with a serial number issued by a firearms

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381 importer or manufacturer in accordance with federal law and any
382 regulations adopted thereunder unless the firearm:

- 383 1. Has been rendered permanently inoperable;
384 2. Is an antique firearm; or
385 3. Has been determined to be a collector's item pursuant
386 to 26 U.S.C. chapter 53 or a curio or relic pursuant to 18
387 U.S.C. chapter 44.

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

- 389 1. For the first offense, a misdemeanor of the first
390 degree, punishable as provided in s. 775.082 or s. 775.083; or
391 2. For a second or subsequent offense, a felony of the
392 third degree, punishable as provided in s. 775.082, s. 775.083,
393 or s. 775.084.

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

- 399 1. The person is:
400 a. A law enforcement agency; or
401 b. A firearms importer or manufacturer, and in the case of
402 an offer to sell, sale, or transfer, the purchaser or transferee
403 is a firearms importer or manufacturer; or
404 2. The firearm:
405 a. Has been rendered permanently inoperable;

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406 b. Was manufactured before 1969;

407 c. Is an antique firearm; or

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

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

412 1. For the first offense:

413 a. If the offense is a possession violation, a misdemeanor
414 of the second degree, punishable as provided in s. 775.082 or s.
415 775.083; or

416 b. If the first offense is any other violation, a
417 misdemeanor of the first degree, punishable as provided in s.
418 775.082 or s. 775.083; or

419 2. For a second or subsequent offense, a felony of the
420 third degree, punishable as provided in s. 775.082, s. 775.083,
421 or s. 775.084.

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

426 (b) A person may not knowingly allow, facilitate, aid,
427 abet, or cause the manufacture or assembly of an undetectable
428 firearm.

429 (c) Except by operation of law, a person who does not have
430 a valid federal license to manufacture firearms may not sell or

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431 transfer ownership of a firearm that the person manufactured or
432 assembled.

433 (7) (a) A person may not to sell, offer to sell, or
434 transfer a three-dimensional printer or computer numerical
435 control (CNC) milling machine that has the primary or intended
436 function of manufacturing or assembling firearms or completed or
437 unfinished frame or receivers to any person who does not have a
438 valid license to manufacture firearms.

439 (b) A person may not purchase or receive a three-
440 dimensional printer or CNC milling machine that has the primary
441 or intended function of manufacturing or assembling firearms or
442 completed or unfinished frame or receivers, unless that person
443 has a valid license to manufacture firearms.

444 (c) A CNC milling machine or three-dimensional printer has
445 the primary or intended function of manufacturing firearms or
446 completed or unfinished frames and receivers if the machine or
447 printer has been marketed or sold to the public in a manner that
448 advertises that the machine or printer may be used to
449 manufacture firearms or completed or unfinished frames and
450 receivers, or in a manner that knowingly or recklessly promotes
451 the machine's use in manufacturing firearms or completed or
452 unfinished frames and receivers by individuals who are not
453 licensed firearms manufacturers, regardless of whether the
454 machine or printer is otherwise described or classified as

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455 having other functions or as a general-purpose machine or
456 printer.

457 Section 46. Sections 42-45 of this act do not prohibit the
458 sale of an unfinished frame or receiver or firearm that is not
459 imprinted with a serial number to a firearms importer or
460 manufacturer or a licensed dealer before January 1, 2024. As
461 used in this section, the term "licensed dealer" means a person
462 licensed as a dealer in firearms issued pursuant to 18 U.S.C. s.
463 923(a).

464 -----
465
466 **T I T L E A M E N D M E N T**

467 Remove line 119 and insert:
468 the act; providing appropriations; providing a short
469 title; creating s. 790.0653, F.S.; providing
470 definitions; requiring a background check on every
471 sale or other transfer of a firearm; requiring
472 background checks on all persons involved in firearm
473 sales or other transfers; requiring firearm sales or
474 other transfers to be conducted through, and processed
475 by, a licensed dealer; authorizing a fee; providing
476 exceptions; providing criminal penalties; requiring
477 the investing law enforcement agency to report certain
478 violations to the Attorney General; providing
479 applicability; amending s. 790.174, F.S.; revising

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480 requirements for the safe storage of firearms;
481 providing and revising definitions; revising criminal
482 penalties for violations; providing exceptions;
483 providing definitions; amending s. 790.175, F.S.;
484 requiring firearms to be sold by dealers with trigger
485 locks or gun cases; providing exceptions; revising
486 warnings to be posted in gun dealerships; requiring
487 certain materials to be given to gun purchasers;
488 requiring a purchaser to sign a specified statement;
489 providing record retention requirements for dealers;
490 providing construction; providing criminal penalties;
491 creating s. 790.223, F.S.; providing definitions;
492 prohibiting specified acts involving unfinished
493 firearm frames or receivers; providing exceptions;
494 providing criminal penalties; providing applicability;
495 defining the term "licensed dealer"; prohibiting
496 certain actions leading to the assembly of a firearm;
497 prohibiting certain activities involving a three-
498 dimensional printer or computer numerical control
499 milling machine that has the primary or intended
500 function of manufacturing or assembling firearms or
501 related items; providing effective

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