

1 A bill to be entitled
2 An act relating to assault weapons and large-capacity
3 magazines; creating s. 790.30, F.S.; providing
4 definitions; prohibiting the sale or transfer of an
5 assault weapon or large-capacity ammunition magazine;
6 providing exceptions; providing criminal penalties;
7 prohibiting possession of an assault weapon or large-
8 capacity magazine; providing exceptions; providing
9 criminal penalties; requiring certificates of
10 possession for assault weapons or large-capacity
11 ammunition magazines lawfully possessed before a
12 specified date; providing requirements for
13 certificates; specifying the form of certificates;
14 providing requirements for an applicant who fails to
15 qualify for such a certificate; limiting transfers of
16 assault weapons or large-capacity ammunition magazines
17 represented by such certificates; providing conditions
18 for continued possession of such weapons or large-
19 capacity ammunition magazines; requiring certificates
20 of transfer for transfers of assault weapons or large-
21 capacity magazines; providing for relinquishment of
22 assault weapons or large-capacity magazines; providing
23 requirements for transportation of assault weapons or
24 large-capacity magazines; providing criminal
25 penalties; specifying circumstances in which the

26 manufacture or transportation of assault weapons or
 27 large-capacity magazines is not prohibited; exempting
 28 permanently inoperable firearms from provisions;
 29 amending s. 775.087, F.S.; providing enhanced criminal
 30 penalties for certain offenses when committed with an
 31 assault weapon or large-capacity magazine; providing
 32 an effective date.

33
 34 Be It Enacted by the Legislature of the State of Florida:

35
 36 Section 1. Section 790.30, Florida Statutes, is created to
 37 read:

38 790.30 Assault weapons.—

39 (1) DEFINITIONS.—As used in this section, the term:

40 (a)1. "Assault weapon" means any selective-fire firearm
 41 capable of fully automatic, semiautomatic or burst fire at the
 42 option of the user or any of the following specified
 43 semiautomatic firearms:

44 a. All AK series, including, but not limited to, the
 45 following: AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90,
 46 NHM91, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47,
 47 and Vector Arms AK-47.

48 b. All AR series, including, but not limited to, the
 49 following: AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and
 50 M15, Olympic Arms, AR70, DPMS Tactical Rifles, Smith & Wesson

51 M&P15 Rifles, Colt AR-15, Rock River Arms LAR-15, and DoubleStar
 52 AR rifles.

- 53 c. Algimec AGM1.
- 54 d. Barrett 82A1 and REC7.
- 55 e. Beretta AR-70 and Beretta Storm.
- 56 f. Bushmaster Auto Rifle.
- 57 g. Calico Liberty series.
- 58 h. Chartered Industries of Singapore SR-88.
- 59 i. Colt Sporter.
- 60 j. Daewoo K-1, K-2, Max-1, and Max 2.
- 61 k. FAMAS MAS 223.
- 62 l. Federal XC-900 and SC-450.
- 63 m. Fabrique National FN/FAL, FN/LAR, or FNC.
- 64 n. FNH PS90, SCAR, and FS2000.
- 65 o. Goncz High Tech Carbine.
- 66 p. Hi-Point Carbine.
- 67 q. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.
- 68 r. Kel-Tec Sub-2000, SU series, RFB.
- 69 s. M1 Carbine.
- 70 t. SAR-8, SAR-4800, SR9;
- 71 u. SIG 57 AMT and 500 Series.
- 72 v. Sig Sauer MCX Rifle.
- 73 w. SKS capable of accepting a detachable magazine.
- 74 x. SLG 95.
- 75 y. SLR 95 or 96.

- 76 | z. Spectre Auto Carbine.
- 77 | aa. Springfield Armory BM59, SAR-48, and G-3.
- 78 | bb. Sterling MK-6 and MK-7.
- 79 | cc. Steyr AUG.
- 80 | dd. Sturm Ruger Mini-14 with folding stock.
- 81 | ee. TNW M230, M2HB.
- 82 | ff. Thompson types, including Thompson T5.
- 83 | gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil
- 84 | Sniper Rifle (Galatz), or Vector Arms UZI.
- 85 | hh. Weaver Arms Nighthawk.
- 86 | 2. All of the following handguns, copies, duplicates, or
- 87 | altered facsimiles with the capability of any such weapon
- 88 | thereof:
- 89 | a. AK-47 pistol, Mini AK-47 pistol.
- 90 | b. AR-15 pistol.
- 91 | c. Australian Automatic Arms SAP pistol.
- 92 | d. Bushmaster Auto Pistol.
- 93 | e. Calico Liberty series pistols.
- 94 | f. Encom MK-IV, MP-9, and MP-45.
- 95 | g. Feather AT-9 and Mini-AT.
- 96 | h. Goncz High Tech Long pistol.
- 97 | i. Holmes MP-83.
- 98 | j. Iver Johnson Enforcer.
- 99 | k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
- 100 | Velocity Arms VMA series.

- 101 | l. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.
- 102 | m. UZI pistol, Micro-UZI pistol.
- 103 | n. Colefire Magnum.
- 104 | o. Scarab Skorpion.
- 105 | p. Spectre Auto pistol.
- 106 | q. German Sport 522 PK.
- 107 | r. Chiappa Firearms Mfour-22.
- 108 | s. DSA SA58 PKP FAL.
- 109 | t. I.O. Inc. PPS-43C.
- 110 | u. Kel-Tec PLR-16 pistol.
- 111 | v. Sig Sauer P556 pistol.
- 112 | w. Thompson TA5 series pistols.
- 113 | x. Wilkinson "Linda" pistol.
- 114 | 3. All of the following shotguns, copies, duplicates, or
- 115 | altered facsimiles with the capability of any such weapon
- 116 | thereof:
- 117 | a. Armscor 30 BG.
- 118 | b. Franchi SPAS-12 and Law-12.
- 119 | c. Remington TAC-2 or TACB3 FS.
- 120 | d. SPAS 12 or LAW 12.
- 121 | e. Striker 12.
- 122 | f. Streetsweeper.
- 123 | g. Saiga.
- 124 | h. USAS-12.
- 125 | i. Kel-tec KSG.

126 4. A part or combination of parts that convert a firearm
127 into an assault weapon or any combination of parts from which an
128 assault weapon may be assembled if those parts are in the
129 possession or under the control of the same person;

130 5. Any semiautomatic firearm not listed in subparagraphs
131 1.-4. that meets the following criteria:

132 a. A semiautomatic rifle that has an ability to accept a
133 detachable magazine and has one or more of the following:

134 (I) A folding or telescoping stock;

135 (II) A pistol grip that protrudes conspicuously beneath
136 the action of the weapon or any feature functioning as a
137 protruding grip that can be held by the non-trigger hand or a
138 thumbhole stock;

139 (III) A bayonet mount;

140 (IV) A flash suppressor or threaded barrel designed to
141 accommodate a flash suppressor;

142 (V) A grenade launcher;

143 (VI) A shroud attached to the barrel, or that partially or
144 completely encircles the barrel allowing the bearer to hold the
145 firearm with the non-trigger hand without being burned, but
146 excluding a slide that encloses the barrel; or

147 b. A semiautomatic pistol that has an ability to accept a
148 detachable magazine and has one or more of the following:

149 (I) The capacity to accept an ammunition magazine that
150 attaches to the pistol at any location outside of the pistol

151 grip;

152 (II) A threaded barrel capable of accepting a barrel
153 extender, flash suppressor, forward handgrip, or silencer;

154 (III) A slide that encloses the barrel and that permits
155 the shooter to hold the firearm with the non-trigger hand
156 without being burned;

157 (IV) A manufactured weight of 50 ounces or more when the
158 pistol is unloaded;

159 (V) A semiautomatic version of an automatic firearm;

160 (VI) Any feature capable of functioning as a protruding
161 grip that can be held by the non-trigger hand;

162 (VII) A folding, telescoping, or thumbhole stock; or

163 c. A semiautomatic shotgun that has one or more of the
164 following:

165 (I) A folding or telescoping stock;

166 (II) A pistol grip that protrudes conspicuously beneath
167 the action of the weapon;

168 (III) A thumbhole stock;

169 (IV) A fixed magazine capacity in excess of 5 rounds;

170 (V) An ability to accept a detachable magazine; or

171 d. Any semiautomatic pistol or any semiautomatic,
172 centerfire, or rimfire rifle with a fixed magazine that has the
173 capacity to accept more than 10 rounds of ammunition; or

174 e. A part or combination of parts designed or intended to
175 convert a firearm into an assault weapon or any combination of

176 parts from which an assault weapon may be assembled if those
177 parts are in the possession or under the control of the same
178 person.

179 (b) "Detachable magazine" means an ammunition feeding
180 device that can be removed from a firearm without disassembly of
181 the firearm action.

182 (c) "Fixed magazine" means an ammunition feeding device
183 contained in, or permanently attached to, a firearm in such a
184 manner that the device cannot be removed without disassembly of
185 the firearm action.

186 (d) "Large-capacity magazine" means any ammunition feeding
187 device with the capacity to accept more than 7 rounds, or any
188 conversion kit, part, or combination of parts from which such a
189 device can be assembled if those parts are in the possession or
190 under the control of the same person, but does not include any
191 of the following:

192 1. A feeding device that has been permanently altered so
193 that it cannot accommodate more than 7 rounds;

194 2. A .22 caliber tube ammunition feeding device; or

195 3. A tubular magazine that is contained in a lever-action
196 firearm.

197 (e) "Licensed gun dealer" means a person who has a federal
198 firearms license.

199 (2) SALE OR TRANSFER.—

200 (a) Any person who, within this state, distributes,

201 transports, or imports into the state, sells, keeps for sale, or
202 offers or exposes for sale, or who gives any assault weapon or
203 large-capacity ammunition magazine, in violation of this
204 section, except as provided in paragraph (b), commits a felony
205 of the third degree, punishable as provided in s. 775.082, s.
206 775.083, or s. 775.084, with a mandatory minimum term of
207 imprisonment of 2 years.

208 (b) Any person who transfers, sells, or gives any assault
209 weapon or large-capacity ammunition magazine to a person under
210 18 years of age in violation of this section commits a felony of
211 the second degree, punishable as provided in s. 775.082, s.
212 775.083, or s. 775.084, with a mandatory minimum term of
213 imprisonment of 6 years.

214 (c) Paragraph (a) does not apply to:

215 1. The sale of assault weapons or large-capacity
216 ammunition magazines to the Department of Law Enforcement, a law
217 enforcement agency, as defined in s. 934.02, the Department of
218 Corrections, or the military or naval forces of this state or of
219 the United States for use in the discharge of their official
220 duties.

221 2. A person who is the executor or administrator of an
222 estate that includes an assault weapon or large-capacity
223 ammunition magazine for which a certificate of possession has
224 been issued under this section which is disposed of as
225 authorized by the probate court, if the disposition is otherwise

226 permitted under this section.

227 3. The transfer by bequest or intestate succession of an
228 assault weapon or large-capacity ammunition magazine for which a
229 certificate of possession has been issued under subsection (4).

230 (3) POSSESSION.—

231 (a) Except as provided in subsection (5), any person who,
232 within this state, possesses any assault weapon or large-
233 capacity ammunition magazine, except as provided in this section
234 or as otherwise authorized by law, commits a felony of the third
235 degree, punishable as provided in s. 775.082, s. 775.083, or s.
236 775.084, with a mandatory minimum term of imprisonment of 1
237 year.

238 (b) Paragraph (a) does not apply to the possession of
239 assault weapons or large-capacity ammunition magazines by
240 members or employees of the Department of Law Enforcement, a law
241 enforcement agency, as defined in s. 934.02, the Department of
242 Corrections, or the military or naval forces of this state or of
243 the United States for use in the discharge of their official
244 duties; nor does this section prohibit the possession or use of
245 assault weapons or large-capacity ammunition magazines by sworn
246 members of these agencies when on duty and the use is within the
247 scope of their duties.

248 (c) Paragraph (a) does not apply to the possession of an
249 assault weapon or large-capacity ammunition magazine by any
250 person prior to July 1, 2019, if all of the following are

251 applicable:

252 1. The person is eligible to apply for a certificate of
253 possession for the assault weapon or large-capacity ammunition
254 magazine by July 1, 2019;

255 2. The person lawfully possessed the assault weapon or
256 large-capacity ammunition magazine prior to October 1, 2018; and

257 3. The person is otherwise in compliance with this section
258 and the applicable requirements of this chapter for possession
259 of a firearm.

260 (d) Paragraph (a) does not apply to a person who is the
261 executor or administrator of an estate that includes an assault
262 weapon or large-capacity ammunition magazine for which a
263 certificate of possession has been issued under subsection (4),
264 if the assault weapon is possessed at a place set forth in
265 subparagraph (4)(d)1. or as authorized by the probate court.

266 (4) CERTIFICATE OF POSSESSION.—

267 (a) Any person who lawfully possesses an assault weapon or
268 large-capacity ammunition magazine prior to October 1, 2018,
269 shall apply by October 1, 2019, or, if such person is a member
270 of the military or naval forces of this state or of the United
271 States and is unable to apply by October 1, 2019, because he or
272 she is or was on official duty outside of this state, shall
273 apply within 90 days of returning to the state to the Department
274 of Law Enforcement, for a certificate of possession with respect
275 to such assault weapon or large-capacity ammunition magazine.

276 The certificate shall contain a description of the assault
 277 weapon or large-capacity ammunition magazine that identifies it
 278 uniquely, including all identification marks; the full name,
 279 address, date of birth, and thumbprint of the owner; and any
 280 other information as the department may deem appropriate. The
 281 department shall adopt regulations no later than January 1,
 282 2019, to establish procedures with respect to the application
 283 for, and issuance of, certificates of possession pursuant to
 284 this section. The thumbprint of the applicant shall be taken by
 285 a law enforcement agency or the Department of Law Enforcement
 286 together with any personal identifying information required by
 287 federal law to process fingerprints. Charges for thumbprint
 288 services under this paragraph are not subject to the sales tax
 289 on fingerprint services imposed in s. 212.05(1)(i). The
 290 Department of Law Enforcement shall conduct a background
 291 investigation pursuant to this subsection.

292 (b) A certificate of possession issued under this
 293 subsection must be in substantially the following form:

294 CERTIFICATE OF POSSESSION OF ASSAULT WEAPON

295 Certificate Number:

296 Owner's name: (Last, First, Middle)

297 Address: (Number, Street, City or Town, State, Zip Code) NO

298 P.O. Boxes

299 Date of Birth:

300 Social Security Number (Optional, but will help prevent

301 misidentification):
302 Driver License Number and State:
303 Manufacturer: Importer: Serial Number: Model: Caliber:
304 Unique I.D./Markings:
305 Signature of Owner
306 Applicant's Right Thumbprint
307 (c) An assault weapon or large-capacity ammunition
308 magazine possessed pursuant to this section may not be sold or
309 transferred on or after January 1, 2019, to any person within
310 this state other than to a licensed gun dealer, as provided in
311 subsection (5), or by a bequest or intestate succession. A
312 person who obtains title to an assault weapon or large-capacity
313 ammunition magazine for which a certificate of possession has
314 been issued under this section by bequest or intestate
315 succession shall, within 90 days of obtaining title, apply to
316 the Department of Law Enforcement for a certificate of
317 possession as provided in paragraph (a), render the weapon or
318 large-capacity ammunition magazine permanently inoperable, sell
319 the weapon or large-capacity ammunition magazine to a licensed
320 gun dealer, or remove the weapon or large-capacity ammunition
321 magazine from the state. Any person who moves into the state in
322 lawful possession of an assault weapon or large-capacity
323 ammunition magazine, shall, within 90 days, either render the
324 weapon or large-capacity ammunition magazine permanently
325 inoperable, sell the weapon or large-capacity ammunition

326 magazine to a licensed gun dealer or remove the weapon or large-
327 capacity ammunition magazine from this state, except any person
328 who is a member of the military or naval forces of this state or
329 of the United States, is in lawful possession of an assault
330 weapon or large-capacity ammunition magazine, and has been
331 transferred into the state after October 1, 2019.

332 (d) A person who has been issued a certificate of
333 possession for an assault weapon or large-capacity ammunition
334 magazine under this section may possess it only under the
335 following conditions:

336 1. At that person's residence, place of business, or other
337 property owned by that person, or on property owned by another
338 person with the owner's express permission;

339 2. While on the premises of a target range of a public or
340 private club or organization organized for the purpose of
341 practicing shooting at targets;

342 3. While on a target range which holds a regulatory or
343 business license for the purpose of practicing shooting at that
344 target range;

345 4. While on the premises of a licensed shooting club;

346 5. While attending any exhibition, display, or educational
347 project which is about firearms and which is sponsored by,
348 conducted under the auspices of, or approved by a law
349 enforcement agency or a nationally or state recognized entity
350 that fosters proficiency in, or promotes education about,

351 firearms; or

352 6. While transporting the assault weapon or large-capacity
353 ammunition magazine between any of the places mentioned in this
354 subsection, or to any licensed gun dealer for servicing or
355 repair pursuant to paragraph (7) (b), provided the assault weapon
356 or large-capacity ammunition magazine is transported as required
357 by subsection (7).

358 (e) If an applicant for a certificate of possession under
359 this subsection fails to qualify for such a certificate after
360 the investigation required under this subsection, the applicant
361 shall arrange to relinquish all assault weapon or large-capacity
362 ammunition magazines in his or her possession as provided in
363 subsection (7) within 10 days of issuance of the notice of such
364 failure. Such an applicant who fails to make such an arrangement
365 within the time specified in this paragraph is thereafter in
366 violation of this section.

367 (5) CERTIFICATE OF TRANSFER.—If an owner of an assault
368 weapon or large-capacity ammunition magazine sells or transfers
369 the weapon or magazine to a licensed gun dealer, he or she
370 shall, at the time of delivery of the weapon, execute a
371 certificate of transfer and cause the certificate to be mailed
372 or delivered to the Department of Law Enforcement. The
373 certificate shall contain:

374 (a) The date of sale or transfer.

375 (b) The name and address of the seller or transferor and

376 | the licensed gun dealer and their social security numbers or
377 | driver license numbers.

378 | (c) The licensed gun dealer's federal firearms license
379 | number.

380 | (d) A description of the weapon, including the caliber of
381 | the weapon and its make, model, and serial number.

382 | (e) Any other information the Department of Law
383 | Enforcement prescribes.

384 |
385 | The licensed gun dealer shall present his or her driver license
386 | or social security card and federal firearms license to the
387 | seller or transferor for inspection at the time of purchase or
388 | transfer. The Department of Law Enforcement shall maintain a
389 | file of all certificates of transfer at its headquarters.

390 | (6) RELINQUISHMENT.—An individual may arrange in advance
391 | to relinquish an assault weapon or large-capacity ammunition
392 | magazine to a law enforcement agency, as defined in s. 934.02,
393 | or the Department of Law Enforcement. The assault weapon or
394 | large-capacity ammunition magazine shall be transported in
395 | accordance with subsection (7).

396 | (7) TRANSPORTATION.—

397 | (a) A licensed gun dealer who lawfully purchases for
398 | resale out of state an assault weapon or large-capacity magazine
399 | pursuant to subsection (2) may transport the assault weapon or
400 | large-capacity magazine between dealers or out of the state, but

401 no person shall carry a loaded assault weapon concealed from
402 public view or knowingly have in any motor vehicle owned,
403 operated, or occupied by him a loaded assault weapon, or an
404 unloaded assault weapon, unless such weapon is kept in the trunk
405 of such vehicle or in a case or other container which is
406 inaccessible to the operator of or any passenger in such
407 vehicle. Any person who violates this subsection commits a
408 misdemeanor of the second degree, punishable as provided in s.
409 775.082 or s. 775.083. Any licensed gun dealer may display the
410 assault weapon or large-capacity magazine at any gun show or
411 sell it to a resident outside the state.

412 (b) Any licensed gun dealer may transfer possession of any
413 assault weapon or large-capacity ammunition magazine received
414 pursuant to paragraph (a) to a gunsmith for purposes of
415 accomplishing service or repair of the same. Transfers are
416 permissible only to the following persons:

- 417 1. A gunsmith who is in the dealer's employ; or
- 418 2. A gunsmith with whom the dealer has contracted for
419 gunsmithing services, provided the gunsmith receiving the
420 assault weapon holds a dealer's license issued pursuant to
421 chapter 44 of Title 18 the Unites States Code, 18 U.S.C. ss. 921
422 et seq., and the regulations issued pursuant thereto.

423 (8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION
424 NOT PROHIBITED.—This section does not prohibit any person, firm,
425 or corporation engaged in the business of manufacturing assault

426 weapons or large-capacity ammunition magazines in this state
 427 from manufacturing or transporting assault weapons or large-
 428 capacity ammunition magazines in this state for sale within this
 429 state in accordance with subparagraph (2)(c)1. or for sale
 430 outside this state.

431 (9) EXCEPTION.—This section does not apply to any firearm
 432 modified to render it permanently inoperable.

433 Section 2. Paragraph (a) of subsection (3) of section
 434 775.087, Florida Statutes, is amended to read:

435 775.087 Possession or use of weapon; aggravated battery;
 436 felony reclassification; minimum sentence.—

437 (3)(a)1. Any person who is convicted of a felony or an
 438 attempt to commit a felony, regardless of whether the use of a
 439 firearm is an element of the felony, and the conviction was for:

- 440 a. Murder;
- 441 b. Sexual battery;
- 442 c. Robbery;
- 443 d. Burglary;
- 444 e. Arson;
- 445 f. Aggravated battery;
- 446 g. Kidnapping;
- 447 h. Escape;
- 448 i. Sale, manufacture, delivery, or intent to sell,
- 449 manufacture, or deliver any controlled substance;
- 450 j. Aircraft piracy;

451 k. Aggravated child abuse;

452 l. Aggravated abuse of an elderly person or disabled

453 adult;

454 m. Unlawful throwing, placing, or discharging of a

455 destructive device or bomb;

456 n. Carjacking;

457 o. Home-invasion robbery;

458 p. Aggravated stalking; or

459 q. Trafficking in cannabis, trafficking in cocaine,

460 capital importation of cocaine, trafficking in illegal drugs,

461 capital importation of illegal drugs, trafficking in

462 phencyclidine, capital importation of phencyclidine, trafficking

463 in methaqualone, capital importation of methaqualone,

464 trafficking in amphetamine, capital importation of amphetamine,

465 trafficking in flunitrazepam, trafficking in gamma-

466 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,

467 trafficking in Phenethylamines, or other violation of s.

468 893.135(1);

469

470 and during the commission of the offense, such person possessed

471 a semiautomatic firearm and its high-capacity detachable box

472 magazine, an assault weapon or large-capacity magazine as

473 defined in s. 790.30, or a machine gun as defined in s. 790.001,

474 shall be sentenced to a minimum term of imprisonment of 15

475 years.

476 2. Any person who is convicted of a felony or an attempt
477 to commit a felony listed in subparagraph (a)1., regardless of
478 whether the use of a weapon is an element of the felony, and
479 during the course of the commission of the felony such person
480 discharged a semiautomatic firearm and its high-capacity box
481 magazine, an assault weapon or large-capacity magazine as
482 defined in s. 790.30, or a "machine gun" as defined in s.
483 790.001 shall be sentenced to a minimum term of imprisonment of
484 20 years.

485 3. Any person who is convicted of a felony or an attempt
486 to commit a felony listed in subparagraph (a)1., regardless of
487 whether the use of a weapon is an element of the felony, and
488 during the course of the commission of the felony such person
489 discharged a semiautomatic firearm and its high-capacity box
490 magazine, an assault weapon or large-capacity magazine as
491 defined in s. 790.30, or a "machine gun" as defined in s.
492 790.001 and, as the result of the discharge, death or great
493 bodily harm was inflicted upon any person, the convicted person
494 shall be sentenced to a minimum term of imprisonment of not less
495 than 25 years and not more than a term of imprisonment of life
496 in prison.

497 Section 3. This act shall take effect October 1, 2018.