A bill to be entitled
An act relating to assault weapons and large-capacity magazines; creating s. 790.30, F.S.; providing definitions; prohibiting the sale or transfer of an assault weapon or large-capacity ammunition magazine; providing exceptions; providing criminal penalties; prohibiting possession of an assault weapon or large-capacity magazine; providing exceptions; providing criminal penalties; requiring certificates of possession for assault weapons or large-capacity ammunition magazines lawfully possessed before a specified date; providing requirements for certificates; specifying the form of certificates; providing requirements for an applicant who fails to qualify for such a certificate; limiting transfers of assault weapons or large-capacity ammunition magazines represented by such certificates; providing conditions for continued possession of such weapons or large-capacity ammunition magazines; requiring certificates of transfer for transfers of assault weapons or large-capacity magazines; providing for relinquishment of assault weapons or large-capacity magazines; providing requirements for transportation of assault weapons or large-capacity magazines; providing criminal penalties; specifying circumstances in which the
manufacture or transportation of assault weapons or
large-capacity magazines is not prohibited; exempting
permanently inoperable firearms from provisions;
amending s. 775.087, F.S.; providing enhanced criminal
penalties for certain offenses when committed with an
assault weapon or large-capacity magazine; providing
an effective date.

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

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

790.30 Assault weapons.—
(1) DEFINITIONS.—As used in this section, the term:
(a)1. “Assault weapon” means any selective-fire firearm
capable of fully automatic, semiautomatic or burst fire at the
option of the user or any of the following specified
semiautomatic firearms:
 a. All AK series, including, but not limited to, the
 following: AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90,
NHM91, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47,
and Vector Arms AK-47.
 b. All AR series, including, but not limited to, the
 following: AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and
M15, Olympic Arms, AR70, DPMS Tactical Rifles, Smith & Wesson

c. Algimec AGM1.
e. Beretta AR-70 and Beretta Storm.
f. Bushmaster Auto Rifle.
g. Calico Liberty series.
h. Chartered Industries of Singapore SR-88.
i. Colt Sporter.
j. Daewoo K-1, K-2, Max-1, and Max 2.
k. FAMAS MAS 223.
m. Fabrique National FN/FAL, FN/LAR, or FNC.
n. FNH PS90, SCAR, and FS2000.
o. Goncz High Tech Carbine.
p. Hi-Point Carbine.
q. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.
r. Kel-Tec Sub-2000, SU series, RFB.
s. M1 Carbine.
t. SAR-8, SAR-4800, SR9;
u. SIG 57 AMT and 500 Series.
v. Sig Sauer MCX Rifle.
w. SKS capable of accepting a detachable magazine.
x. SLG 95.
y. SLR 95 or 96.
z. Spectre Auto Carbine.


bb. Sterling MK-6 and MK-7.

c. Steyr AUG.

dd. Sturm Ruger Mini-14 with folding stock.

e. TNW M230, M2HB.

ff. Thompson types, including Thompson T5.

gg. UZI, Galil and UZI Sporter, Galil Sniper Rifle (Galatz), or Vector Arms UZI.

hh. Weaver Arms Nighthawk.

2. All of the following handguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:

a. AK-47 pistol, Mini AK-47 pistol.

b. AR-15 pistol.

c. Australian Automatic Arms SAP pistol.

d. Bushmaster Auto Pistol.

e. Calico Liberty series pistols.

f. Encom MK-IV, MP-9, and MP-45.

g. Feather AT-9 and Mini-AT.

h. Goncz High Tech Long pistol.

i. Holmes MP-83.

j. Iver Johnson Enforcer.

k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and Velocity Arms VMA series.
1. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.

m. UZI pistol, Micro-UZI pistol.

n. Colefire Magnum.

o. Scarab Skorpion.

p. Spectre Auto pistol.

q. German Sport 522 PK.

r. Chiappa Firearms Mfour-22.

s. DSA SA58 PKP FAL.

t. I.O. Inc. PPS-43C.

u. Kel-Tec PLR-16 pistol.

v. Sig Sauer P556 pistol.

w. Thompson TA5 series pistols.

x. Wilkinson "Linda" pistol.

3. All of the following shotguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:

a. Armscor 30 BG.

b. Franchi SPAS-12 and Law-12.

c. Remington TAC-2 or TACB3 FS.

d. SPAS 12 or LAW 12.

e. Striker 12.

f. Streetsweeper.

g. Saiga.

h. USAS-12.

i. Kel-tec KSG.
4. A part or combination of parts that convert a firearm into an assault weapon or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person;

5. Any semiautomatic firearm not listed in subparagraphs 1.-4. that meets the following criteria:
   a. A semiautomatic rifle that has an ability to accept a detachable magazine and has one or more of the following:
      (I) A folding or telescoping stock;
      (II) A pistol grip that protrudes conspicuously beneath the action of the weapon or any feature functioning as a protruding grip that can be held by the non-triger hand or a thumbhole stock;
      (III) A bayonet mount;
      (IV) A flash suppressor or threaded barrel designed to accommodate a flash suppressor;
      (V) A grenade launcher;
      (VI) A shroud attached to the barrel, or that partially or completely encircles the barrel allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel; or
   b. A semiautomatic pistol that has an ability to accept a detachable magazine and has one or more of the following:
      (I) The capacity to accept an ammunition magazine that attaches to the pistol at any location outside of the pistol
grip;
   (II) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;
   (III) A slide that encloses the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;
   (IV) A manufactured weight of 50 ounces or more when the pistol is unloaded;
   (V) A semiautomatic version of an automatic firearm;
   (VI) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
   (VII) A folding, telescoping, or thumbhole stock; or
   c. A semiautomatic shotgun that has one or more of the following:
      (I) A folding or telescoping stock;
      (II) A pistol grip that protrudes conspicuously beneath the action of the weapon;
      (III) A thumbhole stock;
      (IV) A fixed magazine capacity in excess of 5 rounds;
      (V) An ability to accept a detachable magazine; or
d. Any semiautomatic pistol or any semiautomatic, centerfire, or rimfire rifle with a fixed magazine that has the capacity to accept more than 10 rounds of ammunition; or
e. A part or combination of parts designed or intended to convert a firearm into an assault weapon or any combination of
parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.

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

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

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

1. A feeding device that has been permanently altered so that it cannot accommodate more than 7 rounds;
2. A .22 caliber tube ammunition feeding device; or
3. A tubular magazine that is contained in a lever-action firearm.

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

(2) SALE OR TRANSFER.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) CERTIFICATE OF POSSESSION.—

(a) Any person who lawfully possesses an assault weapon or large-capacity ammunition magazine prior to October 1, 2018, shall apply by October 1, 2019, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by October 1, 2019, because he or she is or was on official duty outside of this state, shall apply within 90 days of returning to the state to the Department of Law Enforcement, for a certificate of possession with respect to such assault weapon or large-capacity ammunition magazine.
The certificate shall contain a description of the assault weapon or large-capacity ammunition magazine that identifies it uniquely, including all identification marks; the full name, address, date of birth, and thumbprint of the owner; and any other information as the department may deem appropriate. The department shall adopt regulations no later than January 1, 2019, to establish procedures with respect to the application for, and issuance of, certificates of possession pursuant to this section. The thumbprint of the applicant shall be taken by a law enforcement agency or the Department of Law Enforcement together with any personal identifying information required by federal law to process fingerprints. Charges for thumbprint services under this paragraph are not subject to the sales tax on fingerprint services imposed in s. 212.05(1)(i). The Department of Law Enforcement shall conduct a background investigation pursuant to this subsection.

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

CERTIFICATE OF POSSESSION OF ASSAULT WEAPON
Certificate Number:
Owner's name: (Last, First, Middle)
Address: (Number, Street, City or Town, State, Zip Code) NO P.O. Boxes
Date of Birth:
Social Security Number (Optional, but will help prevent
misidentification):

Driver License Number and State:
Manufacturer: Importer: Serial Number: Model: Caliber:
Unique I.D./Markings:
Signature of Owner
Applicant's Right Thumbprint

(c) An assault weapon or large-capacity ammunition magazine possessed pursuant to this section may not be sold or transferred on or after January 1, 2019, to any person within this state other than to a licensed gun dealer, as provided in subsection (5), or by a bequest or intestate succession. A person who obtains title to an assault weapon or large-capacity ammunition magazine for which a certificate of possession has been issued under this section by bequest or intestate succession shall, within 90 days of obtaining title, apply to the Department of Law Enforcement for a certificate of possession as provided in paragraph (a), render the weapon or large-capacity ammunition magazine permanently inoperable, sell the weapon or large-capacity ammunition magazine to a licensed gun dealer, or remove the weapon or large-capacity ammunition magazine from the state. Any person who moves into the state in lawful possession of an assault weapon or large-capacity ammunition magazine, shall, within 90 days, either render the weapon or large-capacity ammunition magazine permanently inoperable, sell the weapon or large-capacity ammunition

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CODING: Words stricken are deletions; words underlined are additions.
magazine to a licensed gun dealer or remove the weapon or large-capacity ammunition magazine from this state, except any person who is a member of the military or naval forces of this state or of the United States, is in lawful possession of an assault weapon or large-capacity ammunition magazine, and has been transferred into the state after October 1, 2019.

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

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

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

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

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

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

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

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

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

(a) The date of sale or transfer.

(b) The name and address of the seller or transferor and
the licensed gun dealer and their social security numbers or
driver license numbers.

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

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

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

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

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

(7) TRANSPORTATION.—

(a) A licensed gun dealer who lawfully purchases for
resale out of state an assault weapon or large-capacity magazine
pursuant to subsection (2) may transport the assault weapon or
large-capacity magazine between dealers or out of the state, but
no person shall carry a loaded assault weapon concealed from
public view or knowingly have in any motor vehicle owned,
operated, or occupied by him a loaded assault weapon, or an
unloaded assault weapon, unless such weapon is kept in the trunk
of such vehicle or in a case or other container which is
inaccessible to the operator of or any passenger in such
vehicle. Any person who violates this subsection commits a
misdemeanor of the second degree, punishable as provided in s.
775.082 or s. 775.083. Any licensed gun dealer may display the
assault weapon or large-capacity magazine at any gun show or
sell it to a resident outside the state.

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

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

(8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION
NOT PROHIBITED.—This section does not prohibit any person, firm,
or corporation engaged in the business of manufacturing assault
weapons or large-capacity ammunition magazines in this state
from manufacturing or transporting assault weapons or large-
capacity ammunition magazines in this state for sale within this
state in accordance with subparagraph (2)(c)1. or for sale
outside this state.

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

Section 2. Paragraph (a) of subsection (3) of section
775.087, Florida Statutes, is amended to read:
775.087 Possession or use of weapon; aggravated battery;
felony reclassification; minimum sentence.—
(3)(a)1. Any person who is convicted of a felony or an
attempt to commit a felony, regardless of whether the use of a
firearm is an element of the felony, and the conviction was for:
   a. Murder;
   b. Sexual battery;
   c. Robbery;
   d. Burglary;
   e. Arson;
   f. Aggravated battery;
   g. Kidnapping;
   h. Escape;
   i. Sale, manufacture, delivery, or intent to sell,
      manufacture, or deliver any controlled substance;
   j. Aircraft piracy;
k. Aggravated child abuse;
l. Aggravated abuse of an elderly person or disabled adult;
m. Unlawful throwing, placing, or discharging of a destructive device or bomb;
n. Carjacking;
o. Home-invasion robbery;
p. Aggravated stalking; or
q. Trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1);

and during the commission of the offense, such person possessed a semiautomatic firearm and its high-capacity detachable box magazine, an assault weapon or large-capacity magazine as defined in s. 790.30, or a machine gun as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 15 years.
2. Any person who is convicted of a felony or an attempt to commit a felony listed in subparagraph (a)1., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a semiautomatic firearm and its high-capacity box magazine, an assault weapon or large-capacity magazine as defined in s. 790.30, or a "machine gun" as defined in s. 790.001 shall be sentenced to a minimum term of imprisonment of 20 years.

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

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