

By Senator Stewart

13-00271A-17

2017254__

1 A bill to be entitled
2 An act relating to gun safety; creating s. 790.30,
3 F.S.; providing definitions; prohibiting the sale or
4 transfer of an assault weapon or large capacity
5 ammunition magazine; providing exceptions; providing
6 criminal penalties; prohibiting possession of an
7 assault weapon or large-capacity magazine; providing
8 exceptions; providing criminal penalties; requiring
9 certificates of possession for assault weapons or
10 large capacity ammunition magazines lawfully possessed
11 before a specified date; limiting transfers of assault
12 weapons or large capacity ammunition magazines
13 represented by such certificates; providing conditions
14 for continued possession of such weapons or large
15 capacity ammunition magazines; requiring certificates
16 of transfer for transfers of assault weapons or large
17 capacity magazines; providing for relinquishment of
18 assault weapons or large capacity magazines; providing
19 requirements for transportation of assault weapons or
20 large capacity magazines; providing criminal
21 penalties; specifying circumstances in which the
22 manufacture or transportation of assault weapons or
23 large capacity magazines is not prohibited; exempting
24 permanently inoperable firearms from provisions;
25 amending s. 775.087, F.S.; providing enhanced criminal
26 penalties for certain offenses when committed with an
27 assault weapon or large capacity magazine; providing
28 an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Section 790.30, Florida Statutes, is created to

13-00271A-17

2017254__

33 read:

34 790.30 Assault weapons.-35 (1) DEFINITIONS.-As used in this section, the term:

36 (a)1. "Assault weapon" means any selective-fire firearm
37 capable of fully automatic, semiautomatic or burst fire at the
38 option of the user or any of the following specified
39 semiautomatic firearms:

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

44 b. All AR series, including, but not limited to, the
45 following: AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and
46 M15, Olympic Arms, AR70, DPMS Tactical Rifles, Smith & Wesson
47 M&P15 Rifles, Colt AR-15, Rock River Arms LAR-15, and DoubleStar
48 AR rifles.

49 c. Algimec AGM1.50 d. Barrett 82A1 and REC7.51 e. Beretta AR-70 and Beretta Storm.52 f. Bushmaster Auto Rifle.53 g. Calico Liberty series.54 h. Chartered Industries of Singapore SR-88.55 i. Colt Sporter.56 j. Daewoo K-1, K-2, Max-1, and Max 2.57 k. FAMAS MAS 223.58 l. Federal XC-900 and SC-450.59 m. Fabrique National FN/FAL, FN/LAR, or FNC.60 n. FNH PS90, SCAR, and FS2000.61 o. Goncz High Tech Carbine.

13-00271A-17

2017254__

- 62 p. Hi-Point Carbine.
- 63 q. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.
- 64 r. Kel-Tec Sub-2000, SU series, RFB.
- 65 s. M1 Carbine.
- 66 t. SAR-8, SAR-4800, SR9;
- 67 u. SIG 57 AMT and 500 Series.
- 68 v. Sig Sauer MCX Rifle.
- 69 w. SKS capable of accepting a detachable magazine.
- 70 x. SLG 95.
- 71 y. SLR 95 or 96.
- 72 z. Spectre Auto Carbine.
- 73 aa. Springfield Armory BM59, SAR-48, and G-3.
- 74 bb. Sterling MK-6 and MK-7.
- 75 cc. Steyr AUG.
- 76 dd. Sturm Ruger Mini-14 with folding stock.
- 77 ee. TNW M230, M2HB.
- 78 ff. Thompson types, including Thompson T5.
- 79 gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil Sniper
- 80 Rifle (Galatz), or Vector Arms UZI.
- 81 hh. Weaver Arms Nighthawk.
- 82 2. All of the following handguns, copies, duplicates, or
- 83 altered facsimiles with the capability of any such weapon
- 84 thereof:
- 85 a. AK-47 pistol, Mini AK-47 pistol.
- 86 b. AR-15 pistol.
- 87 c. Australian Automatic Arms SAP pistol.
- 88 d. Bushmaster Auto Pistol.
- 89 e. Calico Liberty series pistols.
- 90 f. Encom MK-IV, MP-9, and MP-45.

13-00271A-17

2017254__

- 91 g. Feather AT-9 and Mini-AT.
92 h. Goncz High Tech Long pistol.
93 i. Holmes MP-83.
94 j. Iver Johnson Enforcer.
95 k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
96 Velocity Arms VMA series.
97 l. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.
98 m. UZI pistol, Micro-UZI pistol.
99 n. Colefire Magnum.
100 o. Scarab Skorpion.
101 p. Spectre Auto pistol.
102 q. German Sport 522 PK.
103 r. Chiappa Firearms Mfour-22.
104 s. DSA SA58 PKP FAL.
105 t. I.O. Inc. PPS-43C.
106 u. Kel-Tec PLR-16 pistol.
107 v. Sig Sauer P556 pistol.
108 w. Thompson TA5 series pistols.
109 x. Wilkinson "Linda" pistol.
110 3. All of the following shotguns, copies, duplicates, or
111 altered facsimiles with the capability of any such weapon
112 thereof:
113 a. Armscor 30 BG.
114 b. Franchi SPAS-12 and Law-12.
115 c. Remington TAC-2 or TACB3 FS.
116 d. SPAS 12 or LAW 12.
117 e. Striker 12.
118 f. Streetsweeper.
119 g. Saiga.

13-00271A-17

2017254__

- 120 h. USAS-12.
- 121 i. Kel-tec KSG.
- 122 4. A part or combination of parts that convert a firearm
123 into an assault weapon or any combination of parts from which an
124 assault weapon may be assembled if those parts are in the
125 possession or under the control of the same person;
- 126 5. Any semiautomatic firearm not listed in paragraph (a)
127 that meets the following criteria:
- 128 a. A semiautomatic rifle that has an ability to accept a
129 detachable magazine and has one or more of the following:
- 130 (I) A folding or telescoping stock;
- 131 (II) A pistol grip that protrudes conspicuously beneath the
132 action of the weapon or any feature functioning as a protruding
133 grip that can be held by the non-trigger hand or a thumbhole
134 stock;
- 135 (III) A bayonet mount;
- 136 (IV) A flash suppressor or threaded barrel designed to
137 accommodate a flash suppressor;
- 138 (V) A grenade launcher;
- 139 (VI) A shroud attached to the barrel, or that partially or
140 completely encircles the barrel allowing the bearer to hold the
141 firearm with the non-trigger hand without being burned, but
142 excluding a slide that encloses the barrel; or
- 143 b. A semiautomatic pistol that has an ability to accept a
144 detachable magazine and has one or more of the following:
- 145 (I) The capacity to accept an ammunition magazine that
146 attaches to the pistol at any location outside of the pistol
147 grip;
- 148 (II) A threaded barrel capable of accepting a barrel

13-00271A-17

2017254__

149 extender, flash suppressor, forward handgrip, or silencer;
150 (III) A slide that encloses the barrel and that permits the
151 shooter to hold the firearm with the non-trigger hand without
152 being burned;
153 (IV) A manufactured weight of 50 ounces or more when the
154 pistol is unloaded;
155 (V) A semiautomatic version of an automatic firearm;
156 (VI) Any feature capable of functioning as a protruding
157 grip that can be held by the non-trigger hand;
158 (VII) A folding, telescoping, or thumbhole stock; or
159 c. A semiautomatic shotgun that has one or more of the
160 following:
161 (I) A folding or telescoping stock;
162 (II) A pistol grip that protrudes conspicuously beneath the
163 action of the weapon;
164 (III) A thumbhole stock;
165 (IV) A fixed magazine capacity in excess of 5 rounds;
166 (V) An ability to accept a detachable magazine; or
167 d. Any semiautomatic pistol or any semiautomatic,
168 centerfire, or rimfire rifle with a fixed magazine that has the
169 capacity to accept more than 10 rounds of ammunition; or
170 e. A part or combination of parts designed or intended to
171 convert a firearm into an assault weapon or any combination of
172 parts from which an assault weapon may be assembled if those
173 parts are in the possession or under the control of the same
174 person.
175 (b) "Detachable magazine" means an ammunition feeding
176 device that can be removed from a firearm without disassembly of
177 the firearm action.

13-00271A-17

2017254__

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

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

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

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

191 3. A tubular magazine that is contained in a lever-action
192 firearm.

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

195 (2) SALE OR TRANSFER.—

196 (a) Any person who, within this state, distributes,
197 transports, or imports into the state, sells, keeps for sale, or
198 offers or exposes for sale, or who gives any assault weapon or
199 large capacity ammunition magazine, in violation of this
200 section, except as provided in paragraph (b), commits a felony
201 of the third degree, punishable as provided in s. 775.082, s.
202 775.083, or s. 775.084, with a mandatory minimum term of
203 imprisonment of 2 years.

204 (b) Any person who transfers, sells, or gives any assault
205 weapon or large capacity ammunition magazine to a person under
206 18 years of age in violation of this section commits a felony of

13-00271A-17

2017254__

207 the second degree, punishable as provided in s. 775.082, s.
208 775.083, or s. 775.084, with a mandatory minimum term of
209 imprisonment of 6 years.

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

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

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

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

226 (3) POSSESSION.—

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

234 (b) Paragraph (a) does not apply to the possession of
235 assault weapons or large capacity ammunition magazines by

13-00271A-17

2017254__

236 members or employees of the Department of Law Enforcement, a law
237 enforcement agency, as defined in s. 934.02, the Department of
238 Corrections, or the military or naval forces of this state or of
239 the United States for use in the discharge of their official
240 duties; nor does this section prohibit the possession or use of
241 assault weapons or large capacity ammunition magazines by sworn
242 members of these agencies when on duty and the use is within the
243 scope of their duties.

244 (c) Paragraph (a) does not apply to the possession of an
245 assault weapon or large capacity ammunition magazine by any
246 person prior to July 1, 2018, if all of the following are
247 applicable:

248 1. The person is eligible to apply for a certificate of
249 possession for the assault weapon or large capacity ammunition
250 magazine by July 1, 2018;

251 2. The person lawfully possessed the assault weapon or
252 large capacity ammunition magazine prior to October 1, 2017; and

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

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

262 (4) CERTIFICATE OF POSSESSION.—

263 (a) Any person who lawfully possesses an assault weapon or
264 large capacity ammunition magazine prior to October 1, 2017,

13-00271A-17

2017254__

265 shall apply by October 1, 2018, or, if such person is a member
266 of the military or naval forces of this state or of the United
267 States and is unable to apply by October 1, 2018, because he or
268 she is or was on official duty outside of this state, shall
269 apply within 90 days of returning to the state to the Department
270 of Law Enforcement, for a certificate of possession with respect
271 to such assault weapon or large capacity ammunition magazine.
272 The certificate shall contain a description of the assault
273 weapon or large capacity ammunition magazine that identifies it
274 uniquely, including all identification marks; the full name,
275 address, date of birth, and thumbprint of the owner; and any
276 other information as the department may deem appropriate. The
277 department shall adopt regulations no later than January 1,
278 2018, to establish procedures with respect to the application
279 for, and issuance of, certificates of possession pursuant to
280 this section.

281 (b) An assault weapon or large capacity ammunition magazine
282 possessed pursuant to this section may not be sold or
283 transferred on or after January 1, 2018, to any person within
284 this state other than to a licensed gun dealer, as provided in
285 subsection (5), or by a bequest or intestate succession. A
286 person who obtains title to an assault weapon or large capacity
287 ammunition magazine for which a certificate of possession has
288 been issued under this section by bequest or intestate
289 succession shall, within 90 days of obtaining title, apply to
290 the Department of Law Enforcement for a certificate of
291 possession as provided in paragraph (a), render the weapon or
292 large capacity ammunition magazine permanently inoperable, sell
293 the weapon or large capacity ammunition magazine to a licensed

13-00271A-17

2017254__

294 gun dealer, or remove the weapon or large capacity ammunition
295 magazine from the state. Any person who moves into the state in
296 lawful possession of an assault weapon or large capacity
297 ammunition magazine, shall, within 90 days, either render the
298 weapon or large capacity ammunition magazine permanently
299 inoperable, sell the weapon or large capacity ammunition
300 magazine to a licensed gun dealer or remove the weapon or large
301 capacity ammunition magazine from this state, except any person
302 who is a member of the military or naval forces of this state or
303 of the United States, is in lawful possession of an assault
304 weapon or large capacity ammunition magazine, and has been
305 transferred into the state after October 1, 2018.

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

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

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

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

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

320 5. While attending any exhibition, display, or educational
321 project which is about firearms and which is sponsored by,
322 conducted under the auspices of, or approved by a law

13-00271A-17

2017254__

323 enforcement agency or a nationally or state recognized entity
324 that fosters proficiency in, or promotes education about,
325 firearms; or

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

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

339 (a) The date of sale or transfer.

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

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

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

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

349

350 The licensed gun dealer shall present his or her driver license
351 or social security card and federal firearms license to the

13-00271A-17

2017254__

352 seller or transferor for inspection at the time of purchase or
353 transfer. The Department of Law Enforcement shall maintain a
354 file of all certificates of transfer at its headquarters.

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

361 (7) TRANSPORTATION.—

362 (a) A licensed gun dealer who lawfully purchases for resale
363 out of state an assault weapon or large capacity magazine
364 pursuant to subsection (2) may transport the assault weapon or
365 large capacity magazine between dealers or out of the state, but
366 no person shall carry a loaded assault weapon concealed from
367 public view or knowingly have in any motor vehicle owned,
368 operated, or occupied by him a loaded assault weapon, or an
369 unloaded assault weapon, unless such weapon is kept in the trunk
370 of such vehicle or in a case or other container which is
371 inaccessible to the operator of or any passenger in such
372 vehicle. Any person who violates this subsection commits a
373 misdemeanor of the second degree, punishable as provided in s.
374 775.082 or s. 775.083. Any licensed gun dealer may display the
375 assault weapon or large capacity magazine at any gun show or
376 sell it to a resident outside the state.

377 (b) Any licensed gun dealer may transfer possession of any
378 assault weapon or large capacity ammunition magazine received
379 pursuant to paragraph (a) to a gunsmith for purposes of
380 accomplishing service or repair of the same. Transfers are

13-00271A-17

2017254__

381 permissible only to the following persons:

382 1. A gunsmith who is in the dealer's employ; or

383 2. A gunsmith with whom the dealer has contracted for
384 gunsmithing services, provided the gunsmith receiving the
385 assault weapon holds a dealer's license issued pursuant to
386 chapter 44 of Title 18 the United States Code, 18 U.S.C. ss. 921
387 et seq., and the regulations issued pursuant thereto.

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

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

398 Section 2. Paragraph (a) of subsection (3) of section
399 775.087, Florida Statutes, is amended to read:

400 775.087 Possession or use of weapon; aggravated battery;
401 felony reclassification; minimum sentence.—

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

- 405 a. Murder;
406 b. Sexual battery;
407 c. Robbery;
408 d. Burglary;
409 e. Arson;

13-00271A-17

2017254__

410 f. Aggravated battery;

411 g. Kidnapping;

412 h. Escape;

413 i. Sale, manufacture, delivery, or intent to sell,

414 manufacture, or deliver any controlled substance;

415 j. Aircraft piracy;

416 k. Aggravated child abuse;

417 l. Aggravated abuse of an elderly person or disabled adult;

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

419 destructive device or bomb;

420 n. Carjacking;

421 o. Home-invasion robbery;

422 p. Aggravated stalking; or

423 q. Trafficking in cannabis, trafficking in cocaine, capital

424 importation of cocaine, trafficking in illegal drugs, capital

425 importation of illegal drugs, trafficking in phencyclidine,

426 capital importation of phencyclidine, trafficking in

427 methaqualone, capital importation of methaqualone, trafficking

428 in amphetamine, capital importation of amphetamine, trafficking

429 in flunitrazepam, trafficking in gamma-hydroxybutyric acid

430 (GHB), trafficking in 1,4-Butanediol, trafficking in

431 Phenethylamines, or other violation of s. 893.135(1);

432

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

434 a semiautomatic firearm and its high-capacity detachable box

435 magazine, an assault weapon or large capacity magazine as

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

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

438 years.

13-00271A-17

2017254__

439 2. Any person who is convicted of a felony or an attempt to
440 commit a felony listed in subparagraph (a)1., regardless of
441 whether the use of a weapon is an element of the felony, and
442 during the course of the commission of the felony such person
443 discharged a semiautomatic firearm and its high-capacity box
444 magazine, an assault weapon or large capacity magazine as
445 defined in s. 790.30, or a "machine gun" as defined in s.
446 790.001 shall be sentenced to a minimum term of imprisonment of
447 20 years.

448 3. Any person who is convicted of a felony or an attempt to
449 commit a felony listed in subparagraph (a)1., regardless of
450 whether the use of a weapon is an element of the felony, and
451 during the course of the commission of the felony such person
452 discharged a semiautomatic firearm and its high-capacity box
453 magazine, an assault weapon or large capacity magazine as
454 defined in s. 790.30, or a "machine gun" as defined in s.
455 790.001 and, as the result of the discharge, death or great
456 bodily harm was inflicted upon any person, the convicted person
457 shall be sentenced to a minimum term of imprisonment of not less
458 than 25 years and not more than a term of imprisonment of life
459 in prison.

460 Section 3. This act shall take effect October 1, 2017.