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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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03/03/2018 05:57 PM

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Senator Stewart moved the following:

1 **Senate Amendment to Substitute Amendment (726990) (with**
2 **title amendment)**

3
4 Between lines 327 and 328

5 insert:

6 Section 10. Section 790.30, Florida Statutes, is created to
7 read:

8 790.30 Assault weapons.-

9 (1) DEFINITIONS.-As used in this section, the term:

10 (a) "Assault weapon" means:

11 1. A selective-fire firearm capable of fully automatic,



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12 semiautomatic, or burst fire at the option of the user.

13 2. A part or combination of parts that converts a firearm
14 into an assault weapon, or any combination of parts from which
15 an assault weapon may be assembled if those parts are in the
16 possession or under the control of the same person.

17 3. A semiautomatic firearm that meets the criteria of one
18 of the following sub-subparagraphs:

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

21 (I) A folding or telescoping stock.

22 (II) A pistol grip that protrudes conspicuously beneath the
23 action of the weapon or any feature functioning as a protruding
24 grip that can be held by the nontrigger hand or a thumbhole
25 stock.

26 (III) A bayonet mount.

27 (IV) A flash suppressor or threaded barrel designed to
28 accommodate a flash suppressor.

29 (V) A grenade launcher.

30 (VI) A shroud that is attached to the barrel, or that
31 partially or completely encircles the barrel and allows the
32 bearer to hold the firearm with the nontrigger hand without
33 being burned, but excluding a slide that encloses the barrel.

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

36 (I) The capacity to accept an ammunition magazine that
37 attaches to the pistol at any location outside the pistol grip.

38 (II) A threaded barrel capable of accepting a barrel
39 extender, flash suppressor, forward handgrip, or silencer.

40 (III) A slide that encloses the barrel and that allows the



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41 shooter to hold the firearm with the nontrigger hand without
42 being burned.

43 (IV) A manufactured weight of 50 ounces or more when the
44 pistol is unloaded.

45 (V) A semiautomatic version of an automatic firearm.

46 (VI) Any feature capable of functioning as a protruding
47 grip that can be held by the nontrigger hand.

48 (VII) A folding, telescoping, or thumbhole stock.

49 c. A semiautomatic shotgun that has one or more of the
50 following:

51 (I) A folding or telescoping stock.

52 (II) A pistol grip that protrudes conspicuously beneath the
53 action of the weapon.

54 (III) A thumbhole stock.

55 (IV) A fixed-magazine capacity in excess of 5 rounds.

56 (V) An ability to accept a detachable magazine.

57 d. A semiautomatic pistol or a semiautomatic, centerfire,
58 or rimfire rifle with a fixed magazine that has the capacity to
59 accept more than 10 rounds of ammunition.

60 e. A part or combination of parts designed or intended to
61 convert a firearm into an assault weapon, or any combination of
62 parts from which an assault weapon may be assembled if those
63 parts are in the possession or under the control of the same
64 person.

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

68 (c) "Fixed magazine" means an ammunition feeding device
69 contained in, or permanently attached to, a firearm in such a



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70 manner that the device cannot be removed without disassembly of
71 the firearm action.

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

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

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

81 3. A tubular magazine that is contained in a lever-action
82 firearm.

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

85 (2) SALE OR TRANSFER.—

86 (a) A person may not import into this state or, within this
87 state, distribute, transport, sell, keep for sale, offer or
88 expose for sale, or give an assault weapon or large-capacity
89 magazine. Except as provided in paragraph (b), any person who
90 violates this paragraph commits a felony of the third degree,
91 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

92 (b) A person may not transfer, sell, or give an assault
93 weapon or large-capacity magazine to a person under 21 years of
94 age. Any person who violates this paragraph commits a felony of
95 the second degree, punishable as provided in s. 775.082, s.
96 775.083, or s. 775.084.

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

98 1. The sale of assault weapons or large-capacity magazines



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99 to the Department of Law Enforcement, to a law enforcement
100 agency as defined in s. 934.02, to the Department of
101 Corrections, or to the military, air, or naval forces of this
102 state or the United States for use in the discharge of their
103 official duties.

104 2. A person who is the executor or administrator of an
105 estate that includes an assault weapon or large-capacity
106 magazine which is disposed of as authorized by the probate
107 court, if the disposition is otherwise authorized under this
108 section.

109 3. The transfer by bequest or intestate succession of an
110 assault weapon or large-capacity magazine.

111 (3) POSSESSION.—

112 (a) Except as otherwise provided in this section or
113 authorized by any other law, a person may not, within this
114 state, possess an assault weapon or large-capacity magazine. Any
115 person who violates this paragraph commits a felony of the third
116 degree, punishable as provided in s. 775.082, s. 775.083, or s.
117 775.084.

118 (b) Paragraph (a) does not apply to the possession of an
119 assault weapon or large-capacity magazine by a member or
120 employee of the Department of Law Enforcement, a law enforcement
121 agency as defined in s. 934.02, the Department of Corrections,
122 or the military, air, or naval forces of this state or of the
123 United States for use in the discharge of his or her official
124 duties; nor does this section prohibit the possession or use of
125 an assault weapon or large-capacity magazine by a sworn member
126 of one of these agencies when on duty and when the use is within
127 the scope of his or her duties.



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

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

134 2. The person lawfully possessed the assault weapon or
135 large-capacity magazine before October 1, 2018; and

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

139 (d) Paragraph (a) does not apply to a person who is the
140 executor or administrator of an estate that includes an assault
141 weapon or large-capacity magazine, if the assault weapon or
142 large-capacity magazine is possessed at a place authorized by
143 the probate court.

144
145 ===== T I T L E A M E N D M E N T =====

146 And the title is amended as follows:

147 Delete line 2285

148 and insert:

149 relief; creating s. 790.30, F.S.; defining terms;
150 prohibiting the sale or transfer of an assault weapon
151 or large-capacity magazine; providing criminal
152 penalties; providing applicability; providing
153 exceptions; prohibiting possession of an assault
154 weapon or large-capacity magazine; providing
155 exceptions; providing applicability; providing
156 criminal penalties; creating s. 790.401, F.S.;



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defining terms;