

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Geller offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 747 and 748, insert:

5 Section 14. Effective October 1, 2018, section 790.30,
6 Florida Statutes, is created to read:

7 790.30 Assault weapons.-

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

9 (a)1. "Assault weapon" means any selective-fire firearm
10 capable of fully automatic, semiautomatic or burst fire at the
11 option of the user or any of the following specified

12 semiautomatic firearms:

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

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

22 c. Algimec AGM1.

23 d. Barrett 82A1 and REC7.

24 e. Beretta AR-70 and Beretta Storm.

25 f. Bushmaster Auto Rifle.

26 g. Calico Liberty series.

27 h. Chartered Industries of Singapore SR-88.

28 i. Colt Sporter.

29 j. Daewoo K-1, K-2, Max-1, and Max 2.

30 k. FAMAS MAS 223.

31 l. Federal XC-900 and SC-450.

32 m. Fabrique National FN/FAL, FN/LAR, or FNC.

33 n. FNH PS90, SCAR, and FS2000.

34 o. Goncz High Tech Carbine.

35 p. Hi-Point Carbine.

36 q. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.

37 r. Kel-Tec Sub-2000, SU series, RFB.

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38 s. M1 Carbine.

39 t. SAR-8, SAR-4800, SR9;

40 u. SIG 57 AMT and 500 Series.

41 v. Sig Sauer MCX Rifle.

42 w. SKS capable of accepting a detachable magazine.

43 x. SLG 95.

44 y. SLR 95 or 96.

45 z. Spectre Auto Carbine.

46 aa. Springfield Armory BM59, SAR-48, and G-3.

47 bb. Sterling MK-6 and MK-7.

48 cc. Steyr AUG.

49 dd. Sturm Ruger Mini-14 with folding stock.

50 ee. TNW M230, M2HB.

51 ff. Thompson types, including Thompson T5.

52 gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil

53 Sniper Rifle (Galatz), or Vector Arms UZI.

54 hh. Weaver Arms Nighthawk.

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

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

59 b. AR-15 pistol.

60 c. Australian Automatic Arms SAP pistol.

61 d. Bushmaster Auto Pistol.

62 e. Calico Liberty series pistols.

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- 63 f. Encom MK-IV, MP-9, and MP-45.
- 64 g. Feather AT-9 and Mini-AT.
- 65 h. Goncz High Tech Long pistol.
- 66 i. Holmes MP-83.
- 67 j. Iver Johnson Enforcer.
- 68 k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
- 69 Velocity Arms VMA series.
- 70 l. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.
- 71 m. UZI pistol, Micro-UZI pistol.
- 72 n. Colefire Magnum.
- 73 o. Scarab Skorpion.
- 74 p. Spectre Auto pistol.
- 75 q. German Sport 522 PK.
- 76 r. Chiappa Firearms Mfour-22.
- 77 s. DSA SA58 PKP FAL.
- 78 t. I.O. Inc. PPS-43C.
- 79 u. Kel-Tec PLR-16 pistol.
- 80 v. Sig Sauer P556 pistol.
- 81 w. Thompson TA5 series pistols.
- 82 x. Wilkinson "Linda" pistol.
- 83 3. All of the following shotguns, copies, duplicates, or
- 84 altered facsimiles with the capability of any such weapon
- 85 thereof:
- 86 a. Armscor 30 BG.
- 87 b. Franchi SPAS-12 and Law-12.

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88 c. Remington TAC-2 or TACB3 FS.

89 d. SPAS 12 or LAW 12.

90 e. Striker 12.

91 f. Streetsweeper.

92 g. Saiga.

93 h. USAS-12.

94 i. Kel-tec KSG.

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

99 5. Any semiautomatic firearm not listed in subparagraphs
100 1.-4. that meets the following criteria:

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

103 (I) A folding or telescoping stock;

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

108 (III) A bayonet mount;

109 (IV) A flash suppressor or threaded barrel designed to
110 accommodate a flash suppressor;

111 (V) A grenade launcher;

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

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

118 (I) The capacity to accept an ammunition magazine that
119 attaches to the pistol at any location outside of the pistol
120 grip;

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

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

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

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

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

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

132 c. A semiautomatic shotgun that has one or more of the
133 following:

134 (I) A folding or telescoping stock;

135 (II) A pistol grip that protrudes conspicuously beneath
136 the action of the weapon;

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137 (III) A thumbhole stock;

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

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

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

143 e. A part or combination of parts designed or intended to
144 convert a firearm into an assault weapon or any combination of
145 parts from which an assault weapon may be assembled if those
146 parts are in the possession or under the control of the same
147 person.

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

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

155 (d) "Large-capacity magazine" means any ammunition feeding
156 device with the capacity to accept more than 17 rounds, or any
157 conversion kit, part, or combination of parts from which such a
158 device can be assembled if those parts are in the possession or
159 under the control of the same person, but does not include any
160 of the following:

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161 1. A feeding device that has been permanently altered so
162 that it cannot accommodate more than 17 rounds;

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

164 3. A tubular magazine that is contained in a lever-action
165 firearm.

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

168 (2) SALE OR TRANSFER.—

169 (a) Any person who, within this state, distributes,
170 transports, or imports into the state, sells, keeps for sale, or
171 offers or exposes for sale, or who gives any assault weapon or
172 large-capacity ammunition magazine, in violation of this
173 section, except as provided in paragraph (b), commits a felony
174 of the third degree, punishable as provided in s. 775.082, s.
175 775.083, or s. 775.084, with a mandatory minimum term of
176 imprisonment of 2 years.

177 (b) Any person who transfers, sells, or gives any assault
178 weapon or large-capacity ammunition magazine to a person under
179 18 years of age in violation of this section commits a felony of
180 the second degree, punishable as provided in s. 775.082, s.
181 775.083, or s. 775.084, with a mandatory minimum term of
182 imprisonment of 6 years.

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

184 1. The sale of assault weapons or large-capacity
185 ammunition magazines to the Department of Law Enforcement, a law

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186 enforcement agency, as defined in s. 934.02, the Department of
187 Corrections, or the military or naval forces of this state or of
188 the United States for use in the discharge of their official
189 duties.

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

196 (3) POSSESSION.-

197 (a) Any person who, within this state, possesses any
198 assault weapon or large-capacity ammunition magazine, except as
199 provided in this section or as otherwise authorized by law,
200 commits a felony of the third degree, punishable as provided in
201 s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum
202 term of imprisonment of 1 year.

203 (b) Paragraph (a) does not apply to the possession of
204 assault weapons or large-capacity ammunition magazines by
205 members or employees of the Department of Law Enforcement, a law
206 enforcement agency, as defined in s. 934.02, the Department of
207 Corrections, or the military or naval forces of this state or of
208 the United States for use in the discharge of their official
209 duties; nor does this section prohibit the possession or use of
210 assault weapons or large-capacity ammunition magazines by sworn

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211 members of these agencies when on duty and the use is within the
212 scope of their duties.

213 (c) Paragraph (a) does not apply to the possession of an
214 assault weapon or large-capacity ammunition magazine by any
215 person prior to July 1, 2019, if the person lawfully possessed
216 the assault weapon or large-capacity ammunition magazine prior
217 to October 1, 2018; and

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

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

228 (a) The date of sale or transfer.

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

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

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

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

238
239 The licensed gun dealer shall present his or her driver license
240 or social security card and federal firearms license to the
241 seller or transferor for inspection at the time of purchase or
242 transfer. The Department of Law Enforcement shall maintain a
243 file of all certificates of transfer at its headquarters.

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

250 (6) TRANSPORTATION.—

251 (a) A licensed gun dealer who lawfully purchases for
252 resale out of state an assault weapon or large-capacity magazine
253 pursuant to subsection (2) may transport the assault weapon or
254 large-capacity magazine between dealers or out of the state, but
255 no person shall carry a loaded assault weapon concealed from
256 public view or knowingly have in any motor vehicle owned,
257 operated, or occupied by him a loaded assault weapon, or an
258 unloaded assault weapon, unless such weapon is kept in the trunk
259 of such vehicle or in a case or other container which is
260 inaccessible to the operator of or any passenger in such

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261 vehicle. Any person who violates this subsection commits a
262 misdemeanor of the second degree, punishable as provided in s.
263 775.082 or s. 775.083. Any licensed gun dealer may display the
264 assault weapon or large-capacity magazine at any gun show or
265 sell it to a resident outside the state.

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

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

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

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

287 Section 15. Paragraph (a) of subsection (3) of section
288 775.087, Florida Statutes, is amended to read:

289 775.087 Possession or use of weapon; aggravated battery;
290 felony reclassification; minimum sentence.—

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

- 294 a. Murder;
- 295 b. Sexual battery;
- 296 c. Robbery;
- 297 d. Burglary;
- 298 e. Arson;
- 299 f. Aggravated battery;
- 300 g. Kidnapping;
- 301 h. Escape;
- 302 i. Sale, manufacture, delivery, or intent to sell,
303 manufacture, or deliver any controlled substance;
- 304 j. Aircraft piracy;
- 305 k. Aggravated child abuse;
- 306 l. Aggravated abuse of an elderly person or disabled
307 adult;
- 308 m. Unlawful throwing, placing, or discharging of a
309 destructive device or bomb;

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310 n. Carjacking;
311 o. Home-invasion robbery;
312 p. Aggravated stalking; or
313 q. Trafficking in cannabis, trafficking in cocaine,
314 capital importation of cocaine, trafficking in illegal drugs,
315 capital importation of illegal drugs, trafficking in
316 phencyclidine, capital importation of phencyclidine, trafficking
317 in methaqualone, capital importation of methaqualone,
318 trafficking in amphetamine, capital importation of amphetamine,
319 trafficking in flunitrazepam, trafficking in gamma-
320 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
321 trafficking in Phenethylamines, or other violation of s.
322 893.135(1);

323

324 and during the commission of the offense, such person possessed
325 a semiautomatic firearm and its high-capacity detachable box
326 magazine, an assault weapon or large-capacity magazine as
327 defined in s. 790.30, or a machine gun as defined in s. 790.001,
328 shall be sentenced to a minimum term of imprisonment of 15
329 years.

330 2. Any person who is convicted of a felony or an attempt
331 to commit a felony listed in subparagraph (a)1., regardless of
332 whether the use of a weapon is an element of the felony, and
333 during the course of the commission of the felony such person
334 discharged a semiautomatic firearm and its high-capacity box

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335 magazine, an assault weapon or large-capacity magazine as
336 defined in s. 790.30, or a "machine gun" as defined in s.
337 790.001 shall be sentenced to a minimum term of imprisonment of
338 20 years.

339 3. Any person who is convicted of a felony or an attempt
340 to commit a felony listed in subparagraph (a)1., regardless of
341 whether the use of a weapon is an element of the felony, and
342 during the course of the commission of the felony such person
343 discharged a semiautomatic firearm and its high-capacity box
344 magazine, an assault weapon or large-capacity magazine as
345 defined in s. 790.30, or a "machine gun" as defined in s.
346 790.001 and, as the result of the discharge, death or great
347 bodily harm was inflicted upon any person, the convicted person
348 shall be sentenced to a minimum term of imprisonment of not less
349 than 25 years and not more than a term of imprisonment of life
350 in prison.

351
352 -----

353 **T I T L E A M E N D M E N T**

354 Remove line 83 and insert:
355 criminal penalties; creating s. 790.30, F.S. ;
356 providing definitions; prohibiting the sale or
357 transfer of an assault weapon or large-capacity
358 ammunition magazine; providing exceptions; providing
359 criminal penalties; prohibiting possession of an

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360 assault weapon or large-capacity magazine; providing
361 exceptions; providing criminal penalties; requiring
362 certificates of transfer for transfers of assault
363 weapons or large-capacity magazines; providing for
364 relinquishment of assault weapons or large-capacity
365 magazines; providing requirements for transportation
366 of assault weapons or large-capacity magazines;
367 providing criminal penalties; specifying circumstances
368 in which the manufacture or transportation of assault
369 weapons or large-capacity magazines is not prohibited;
370 exempting permanently inoperable firearms from
371 provisions; amending s. 775.087, F.S.; providing
372 enhanced criminal penalties for certain offenses when
373 committed with an assault weapon or large-capacity
374 magazine; providing legislative intent;

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