LEGISLATIVE ACTION

Senate Floor: 1u/F/2R
03/03/2018 04:55 PM

House

Senator Farmer moved the following:

Senate Amendment to Amendment (234288) (with title amendment)

Delete lines 364 - 368
and insert:

Section 10. Section 790.0641, Florida Statutes, is created to read:

790.0641 Assault weapons purchase, sale, and transfer restrictions; penalties.—

(1) As used in this section, the term “assault weapon” means:
(a) A 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:

1. Algimec AGM1.
2. All AK series, including, but not limited to, the following: AK, AK-47, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91, Rock River Arms LAR-47, SA 85, SA 93, Vector Arms AK-47, VEPR, WASR-10, and WUM.
3. All AR series, including, but not limited to, the following: AR-10, AR-15, Armalite AR-180, Armalite M-15, AR-70, Bushmaster XM15, Colt AR-15, DoubleStar AR rifles, DPMS tactical rifles, Olympic Arms, Rock River Arms LAR-15, and Smith & Wesson M&P15 rifles.
5. Beretta AR-70 and Beretta Storm.
7. Calico Liberty series rifles.
11. FAMAS MAS .223.
13. FN FAL (or FN LAR) and FN FNC.
14. FN FS2000, FN FS90, and FN SCAR.
15. Galil and UZI Sporter, Galil sniper rifle (Galatz), Galil Sporter, UZI, or Vector Arms UZI.
17. Hi-Point carbine.
18. HK-91, HK-93, HK-94, HK-PSG-1, and SP-89.
20. M1 carbine.
22. Ruger Mini-14 with folding stock.
23. SAR-8, SAR-4800, and SR9.
24. SIG 57 AMT and 500 Series.
25. Sig Sauer MCX rifle.
26. SKS capable of accepting a detachable magazine.
27. SLG 95.
28. SLR 95 and 96.
29. Spectre automatic carbine.
31. Sterling MK-6 and MK-7.
32. Steyr AUG.
33. Thompson series, including Thompson T5.
34. Weaver Arms Nighthawk.
(b) All of the following handguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:
1. AK-47 pistol and Mini AK-47 pistol.
2. AR-15 pistol.
3. Australian Automatic Arms SAP pistol.
5. Calico Liberty series pistols.
7. Colefire Magnum.
8. DSA SA58 PKP FAL.
10. Feather AT-9 and Mini-AT.
11. German Sport 522 PK.
13. Holmes MP-83.
15. I.O. Inc. PPS-43C.
17. Kel-Tec PLR-16 pistol.
18. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and Velocity Arms VMA series.
20. Sig Sauer P556 pistol.
22. Thompson TA5 series pistols.
23. UZI pistol and Micro-UZI pistol.
(c) All of the following shotguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:
1. Armscor 30 BG.
2. Franchi LAW-12 and SPAS-12.
3. Kel-Tec KSG.
4. Remington TAC-2 and TACB3 FS.
5. Saiga.
7. Striker 12.
8. USAS-12.
(d) A part or combination of parts that converts 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.

(e) A semiautomatic firearm not listed in this subsection which meets the criteria of one of the following sub-
subparagraphs:

1. A semiautomatic rifle that has an ability to accept a
detachable magazine and that has one or more of the following:
   a. A folding or telescoping stock.
   b. 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 nontrigger hand or a thumbhole
stock.
   c. A bayonet mount.
   d. A flash suppressor or threaded barrel designed to
accommodate a flash suppressor.
   e. A grenade launcher.
   f. A shroud that is attached to the barrel, or that
partially or completely encircles the barrel and allows the
bearer to hold the firearm with the nontrigger hand without
being burned, but excluding a slide that encloses the barrel.

2. A semiautomatic pistol that has an ability to accept a
detachable magazine and that has one or more of the following:
   a. The capacity to accept an ammunition magazine that
attaches to the pistol at any location outside the pistol grip.
   b. A threaded barrel capable of accepting a barrel
extender, flash suppressor, forward handgrip, or silencer.
   c. A slide that encloses the barrel and that allows the
shooter to hold the firearm with the nontrigger hand without
being burned.
   d. A manufactured weight of 50 ounces or more when the
pistol is unloaded.

e. A semiautomatic version of an automatic firearm.

f. Any feature capable of functioning as a protruding grip that can be held by the nontrigger hand.

g. A folding, telescoping, or thumbhole stock.

3. A semiautomatic shotgun that has one or more of the following:

   a. A folding or telescoping stock.

   b. A pistol grip that protrudes conspicuously beneath the action of the weapon.

   c. A thumbhole stock.

   d. A fixed-magazine capacity in excess of 5 rounds.

   e. An ability to accept a detachable magazine.

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

5. 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.

   (2) Notwithstanding any other law, a person may not purchase or be sold or transferred an assault weapon without possessing a valid Type 03 Federal Firearms License.

   (3) In addition to the requirements and procedures set out in s. 790.065(1)(d), a licensed importer, licensed manufacturer, or licensed dealer and a private seller facilitating a sale through a licensed dealer must verify that a potential purchaser or transferee of an assault weapon possesses a valid Type 03
Federal Firearms License.

(4) A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 11. Paragraph (e) of subsection (3) of section 790.335, Florida Statutes, is amended to read:

790.335 Prohibition of registration of firearms; electronic records.—

(3) EXCEPTIONS.—The provisions of this section shall not apply to:

(4)1. Records kept pursuant to the recordkeeping provisions of s. 790.065; however, nothing in this section shall be construed to authorize the public release or inspection of records that are made confidential and exempt from the provisions of s. 119.07(1) by s. 790.065(3)(a) or s. 790.065(4)(a).

2. Nothing in this paragraph shall be construed to allow the maintaining of records containing the names of purchasers or transferees who receive unique approval numbers or the maintaining of records of firearm transactions.

Section 12. Present subsection (13) of section 790.065, Florida Statutes, is redesignated as subsection (12), subsections (1), (3), and (10) of that section are amended, and a new subsection (11) is added to that section, to read:

790.065 Sale and delivery of firearms.—

(1)(a) A licensed importer, licensed manufacturer, or licensed dealer may not sell or deliver from her or his inventory at her or his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until she or he has:
1. Obtained a completed form from the potential buyer or transferee, which form shall have been adopted by the Department of Law Enforcement and provided by the licensed importer, licensed manufacturer, or licensed dealer, which shall include the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee and has inspected proper identification including an identification containing a photograph of the potential buyer or transferee.

2. Collected a fee from the potential buyer for processing the criminal history check of the potential buyer. The fee shall be established by the Department of Law Enforcement and may not exceed $8 per transaction. The Department of Law Enforcement may reduce, or suspend collection of, the fee to reflect payment received from the Federal Government applied to the cost of maintaining the criminal history check system established by this section as a means of facilitating or supplementing the National Instant Criminal Background Check System. The Department of Law Enforcement shall, by rule, establish procedures for the fees to be transmitted by the licensee to the Department of Law Enforcement. All such fees shall be deposited into the Department of Law Enforcement Operating Trust Fund, but shall be segregated from all other funds deposited into such trust fund and must be accounted for separately. Such segregated funds must not be used for any purpose other than the operation of the criminal history checks required by this section. The Department of Law Enforcement, each year before February 1, shall make a full accounting of all receipts and expenditures of such funds to the President of the Senate, the
Speaker of the House of Representatives, the majority and 
minority leaders of each house of the Legislature, and the 
chairs of the appropriations committees of each house of the 
Legislature. In the event that the cumulative amount of funds 
collected exceeds the cumulative amount of expenditures by more 
than $2.5 million, excess funds may be used for the purpose of 
purchasing soft body armor for law enforcement officers.

3. Requested, by means of a toll-free telephone call, the 
Department of Law Enforcement to conduct a check of the 
information as reported and reflected in the Florida Crime 
Information Center and National Crime Information Center systems 
as of the date of the request.

4. Received a unique approval number for that inquiry from 
the Department of Law Enforcement, and recorded the date and 
such number on the consent form.

(b) However, if the person purchasing, or receiving 
delivery of, the firearm is a holder of a valid concealed 
weapons or firearms license pursuant to the provisions of s. 
790.06 or holds an active certification from the Criminal 
Justice Standards and Training Commission as a “law enforcement 
officer,” a “correctional officer,” or a “correctional probation 
officer” as defined in s. 943.10(1), (2), (3), (6), (7), (8), or 
(9), this subsection does not apply.

(c) This subsection does not apply to the purchase, trade, 
or transfer of a rifle or shotgun by a resident of this state 
when the resident makes such purchase, trade, or transfer from a 
licensed importer, licensed manufacturer, or licensed dealer in 
another state.

(d) 1. If neither party to a prospective firearms sale,
lease, or transfer is a licensed dealer, the parties to the
transaction must complete the sale, lease, or transfer through a
licensed dealer as follows:

a. The seller, lessor, or transferor must deliver the
firearm to a licensed dealer, who shall process the sale, lease,
or transfer as if she or he were the seller, lessor, or
transferor, except that the seller, lessor, or transferor who is
not a licensed dealer may remove the firearm from the business
premises of the licensed dealer while the background check is
being conducted and while the waiting period requirement set
forth in s. 790.0655 is being met. Other than allowing the
unlicensed seller or transferor to remove the firearm from the
licensed dealer’s business premises, the licensed dealer shall
comply with all requirements of federal and state law which
would apply if she or he were the seller, lessor, or transferor
of the firearm;

b. The licensed dealer shall conduct a background check on
the buyer or other transferee as provided in this section and,
unless the transaction is prohibited, and after all other legal
requirements are met, including those set forth in s. 790.0655,
the licensed dealer shall either:

(I) Deliver the firearm to the seller, lessor, or
transferor, who shall complete the transaction and deliver the
firearm to the buyer; or

(II) If the seller, lessor, or transferor has removed the
firearm from the licensed dealer’s business premises, contact
the seller, lessor, or transferor to let her or him know that he
or she may complete the transaction and deliver the firearm to
the buyer.
If the licensed dealer cannot legally complete the transaction, the dealer must:

(I) Return the firearm to the seller, lessor, or transferor; or

(II) If the seller, lessor, or transferor has removed the firearm from the licensed dealer’s business premises, contact the seller, lessor, or transferor to let her or him know that the transaction is prohibited, and that the seller, lessor, or transferor may not deliver the firearm to the buyer; and

d. The licensed dealer may require the buyer or other transferee to pay a fee covering the administrative costs incurred by the licensed dealer for facilitating the transfer of the firearm, plus applicable fees pursuant to federal and state law.

2. This paragraph does not apply to:

a. The activities of the United States Marshals Service, members of the United States Armed Forces or the National Guard, or federal officials required to carry firearms while engaged in performing their official duties; or

b. The following activities, unless the lawful owner knows or has reasonable cause to believe that federal, state, or local law prohibits the transferee from purchasing or possessing firearms, or that the transferee is likely to use the firearm for unlawful purposes:

   (I) The delivery of a firearm to a gunsmith for service or repair, or the return of the firearm to its owner by the gunsmith;

   (II) The transfer of a firearm to a carrier, warehouseman, or other person engaged in the business of transportation or
storage, to the extent that the receipt, possession, or having
on or about the person any firearm is in the ordinary course of
business and in conformity with federal, state, and local laws,
and not for the personal use of any such person;

(III) The loan of a firearm solely for the purpose of
shooting at targets, if the loan occurs on the premises of a
properly licensed target facility and if the firearm is at all
times kept within the premises of the target facility;

(IV) The loan of a firearm to a person who is under 18
years of age for lawful hunting, sporting, or educational
purposes while under the direct supervision and control of a
responsible adult;

(V) The loan of a firearm to a person who is 18 years of
age or older if the firearm remains in the person’s possession
only while the person is accompanying the lawful owner and using
the firearm for lawful hunting, sporting, or recreational
purposes; or

(VI) The loan of a firearm to an adult family member of the
lawful owner of the firearm if the lawful owner resides with the
family member but is not present in the residence, provided that
the family member does not maintain control over the firearm for
more than 10 consecutive days.

(3) In the event of scheduled computer downtime, electronic
failure, or similar emergency beyond the control of the
Department of Law Enforcement, the department shall immediately
notify the licensee of the reason for, and estimated length of,
such delay. After such notification, the department shall
forthwith, and in no event later than the end of the next
business day of the licensee, either inform the requesting
licensee if its records demonstrate that the buyer or transferee is prohibited from receipt or possession of a firearm pursuant to Florida and Federal law or provide the licensee with a unique approval number. Unless notified by the end of said next business day that the buyer or transferee is so prohibited, and without regard to whether she or he has received a unique approval number, the licensee may complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

(10) A licensed importer, licensed manufacturer, or licensed dealer is not required to comply with the requirements of this section in the event of:

(a) Unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of said premises; or the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee; or

(b) Failure of the Department of Law Enforcement to comply with the requirements of subsections (2) and (3).

(11) A person younger than 21 years of age may not purchase

And the title is amended as follows:

Delete lines 2433 - 2434
and insert:

petition for simultaneous relief; creating s. 790.0641, F.S.; defining the term “assault weapon”; prohibiting a person from purchasing or being sold or transferred an assault weapon without possessing a valid Type 03 Federal Firearms License; requiring a licensed importer, licensed manufacturer, or licensed dealer and a private seller facilitating a sale through a licensed dealer of an assault weapon to verify that the purchaser or transferee possesses such a firearms license; providing criminal penalties; amending s. 790.335, F.S.; conforming a cross-reference; amending s. 790.065, F.S.; requiring that, if neither party to a prospective firearms sale, lease, or transfer is a licensed dealer, the parties complete the sale, lease, or transfer through a licensed dealer; specifying procedures and requirements for a licensed dealer, a seller, lessor, or transferor, and a buyer, lessee, or transferee, including a required background check; authorizing a licensed dealer to charge a buyer or transferee specified fees; providing applicability; deleting provisions authorizing a licensee to complete the sale or transfer of a firearm to a person without receiving notification from the Department of Law Enforcement informing the licensee as to whether such person is prohibited from receipt or possession of a firearm or providing a unique approval number under certain circumstances; deleting provisions exempting a
licensed importer, licensed manufacturer, or licensed dealer from the sale and delivery requirements, under certain circumstances; prohibiting a person younger than a certain age