Senator Stewart moved the following:

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

Between lines 327 and 328
insert:

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

790.30 Assault weapons.—
(1) DEFINITIONS.—As used in this section, the term:
(a) “Assault weapon” means:
1. A selective-fire firearm capable of fully automatic,
2. 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.

3. A semiautomatic firearm that meets the criteria of one of the following sub-subparagraphs:
   a. A semiautomatic rifle that has an ability to accept a detachable magazine and 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 or any feature functioning as a protruding grip that can be held by the nontrigger 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 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.
   b. A semiautomatic pistol that has an ability to accept a detachable magazine and that has one or more of the following:
      (I) The capacity to accept an ammunition magazine that attaches to the pistol at any location outside 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 allows the
shooter to hold the firearm with the nontrigger 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 nontrigger hand.

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

   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.

   d. 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.

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

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

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

1. The sale of assault weapons or large-capacity magazines
to the Department of Law Enforcement, to a law enforcement agency as defined in s. 934.02, to the Department of Corrections, or to the military, air, or naval forces of this state or 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 magazine which is disposed of as authorized by the probate court, if the disposition is otherwise authorized under this section.

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

(3) POSSESSION.—

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

(b) Paragraph (a) does not apply to the possession of an assault weapon or large-capacity magazine by a member or employee of the Department of Law Enforcement, a law enforcement agency as defined in s. 934.02, the Department of Corrections, or the military, air, or naval forces of this state or of the United States for use in the discharge of his or her official duties; nor does this section prohibit the possession or use of an assault weapon or large-capacity magazine by a sworn member of one of these agencies when on duty and when the use is within the scope of his or her duties.
(c) Paragraph (a) does not apply to the possession of an assault weapon or large-capacity magazine by any person before 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 magazine by July 1, 2019;

2. The person lawfully possessed the assault weapon or large-capacity magazine before 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 magazine, if the assault weapon or large-capacity magazine is possessed at a place authorized by the probate court.

And the title is amended as follows:

Delete line 2285

relief; creating s. 790.30, F.S.; defining terms; prohibiting the sale or transfer of an assault weapon or large-capacity magazine; providing criminal penalties; providing applicability; providing exceptions; prohibiting possession of an assault weapon or large-capacity magazine; providing exceptions; providing applicability; providing criminal penalties; creating s. 790.401, F.S.;
defining terms;