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LEGISLATIVE ACTION

Senate

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House

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Floor: NC/2R

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03/03/2018 06:07 PM

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Senator Stewart moved the following:

Senate Amendment (with title amendment)

Between lines 409 and 410

insert:

Section 9. 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,
semiautomatic, or burst fire at the option of the user.



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

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

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

20 (I) A folding or telescoping stock.

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

25 (III) A bayonet mount.

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

28 (V) A grenade launcher.

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

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

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

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

39 (III) A slide that encloses the barrel and that allows the
40 shooter to hold the firearm with the nontrigger hand without



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41 being burned.

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

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

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

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

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

50 (I) A folding or telescoping stock.

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

53 (III) A thumbhole stock.

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

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

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

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

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

67 (c) "Fixed magazine" means an ammunition feeding device
68 contained in, or permanently attached to, a firearm in such a
69 manner that the device cannot be removed without disassembly of



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70 the firearm action.

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

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

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

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

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

84 (2) SALE OR TRANSFER.—

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

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

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

97 1. The sale of assault weapons or large-capacity magazines
98 to the Department of Law Enforcement, to a law enforcement



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

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

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

110 (3) POSSESSION.—

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

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

127 (c) Paragraph (a) does not apply to the possession of an



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128 assault weapon or large-capacity magazine by any person before
129 July 1, 2019, if all of the following are applicable:

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

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

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

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

143
144 ===== T I T L E A M E N D M E N T =====

145 And the title is amended as follows:

146 Between lines 58 and 59

147 insert:

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