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LEGISLATIVE ACTION

Senate

.

House

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Floor: NC/2R

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03/03/2018 06:06 PM

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Senator Farmer moved the following:

Senate Amendment (with title amendment)

Delete lines 357 - 360

and insert:

Section 7. 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,



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12 semiautomatic, or burst fire at the option of the user or any of
13 the following specified semiautomatic firearms:

14 1. Algimec AGM1.

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

19 3. All AR series, including, but not limited to, the
20 following: AR-10, AR-15, Armalite AR-180, Armalite M-15, AR-70,
21 Bushmaster XM15, Colt AR-15, DoubleStar AR rifles, DPMS tactical
22 rifles, Olympic Arms, Rock River Arms LAR-15, and Smith & Wesson
23 M&P15 rifles.

24 4. Barrett 82A1 and REC7.

25 5. Beretta AR-70 and Beretta Storm.

26 6. Bushmaster automatic rifle.

27 7. Calico Liberty series rifles.

28 8. Chartered Industries of Singapore SR-88.

29 9. Colt Sporter.

30 10. Daewoo K-1, K-2, Max-1, and Max-2.

31 11. FAMAS MAS .223.

32 12. Federal XC-900 and SC-450.

33 13. FN FAL (or FN LAR) and FN FNC.

34 14. FN FS2000, FN PS90, and FN SCAR.

35 15. Galil and UZI Sporter, Galil sniper rifle (Galatz),
36 Galil Sporter, UZI, or Vector Arms UZI.

37 16. Goncz High-Tech carbine.

38 17. Hi-Point carbine.

39 18. HK-91, HK-93, HK-94, HK-PSG-1, and SP-89.

40 19. Kel-Tec RFB, Sub-2000, and SU series.



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- 41 20. M1 carbine.
- 42 21. M2HB and TNW M230.
- 43 22. Ruger Mini-14 with folding stock.
- 44 23. SAR-8, SAR-4800, and SR9.
- 45 24. SIG 57 AMT and 500 Series.
- 46 25. Sig Sauer MCX rifle.
- 47 26. SKS capable of accepting a detachable magazine.
- 48 27. SLG 95.
- 49 28. SLR 95 and 96.
- 50 29. Spectre automatic carbine.
- 51 30. Springfield Armory BM59, G-3, and SAR-48.
- 52 31. Sterling MK-6 and MK-7.
- 53 32. Steyr AUG.
- 54 33. Thompson series, including Thompson T5.
- 55 34. Weaver Arms Nighthawk.
- 56 (b) All of the following handguns, copies, duplicates, or
57 altered facsimiles with the capability of any such weapon
58 thereof:
- 59 1. AK-47 pistol and Mini AK-47 pistol.
- 60 2. AR-15 pistol.
- 61 3. Australian Automatic Arms SAP pistol.
- 62 4. Bushmaster automatic pistol.
- 63 5. Calico Liberty series pistols.
- 64 6. Chiappa Firearms Mfour-22.
- 65 7. Colefire Magnum.
- 66 8. DSA SA58 PKP FAL.
- 67 9. Encom MK-IV, MP-9, and MP-45.
- 68 10. Feather AT-9 and Mini-AT.
- 69 11. German Sport 522 PK.



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- 70 12. Goncz High-Tech Long pistol.
- 71 13. Holmes MP-83.
- 72 14. Intratec AB-10, TEC-9, TEC-22 Scorpion, and TEC-DC9.
- 73 15. I.O. Inc. PPS-43C.
- 74 16. Iver Johnson Enforcer.
- 75 17. Kel-Tec PLR-16 pistol.
- 76 18. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
77 Velocity Arms VMA series.
- 78 19. Scarab Skorpion.
- 79 20. Sig Sauer P556 pistol.
- 80 21. Spectre automatic pistol.
- 81 22. Thompson TA5 series pistols.
- 82 23. UZI pistol and Micro-UZI pistol.
- 83 34. Wilkinson "Linda" pistol.
- 84 (c) All of the following shotguns, copies, duplicates, or
85 altered facsimiles with the capability of any such weapon
86 thereof:
- 87 1. Armscor 30 BG.
- 88 2. Franchi LAW-12 and SPAS-12.
- 89 3. Kel-Tec KSG.
- 90 4. Remington TAC-2 and TACB3 FS.
- 91 5. Saiga.
- 92 6. Streetsweeper.
- 93 7. Striker 12.
- 94 8. USAS-12.
- 95 (d) A part or combination of parts that converts a firearm
96 into an assault weapon, or any combination of parts from which
97 an assault weapon may be assembled if those parts are in the
98 possession or under the control of the same person.



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

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

104 a. A folding or telescoping stock.

105 b. A pistol grip that protrudes conspicuously beneath the
106 action of the weapon or any feature functioning as a protruding
107 grip that can be held by the nontrigger hand or a thumbhole
108 stock.

109 c. A bayonet mount.

110 d. A flash suppressor or threaded barrel designed to
111 accommodate a flash suppressor.

112 e. A grenade launcher.

113 f. A shroud that is attached to the barrel, or that
114 partially or completely encircles the barrel and allows the
115 bearer to hold the firearm with the nontrigger hand without
116 being burned, but excluding a slide that encloses the barrel.

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

119 a. The capacity to accept an ammunition magazine that
120 attaches to the pistol at any location outside the pistol grip.

121 b. A threaded barrel capable of accepting a barrel
122 extender, flash suppressor, forward handgrip, or silencer.

123 c. A slide that encloses the barrel and that allows the
124 shooter to hold the firearm with the nontrigger hand without
125 being burned.

126 d. A manufactured weight of 50 ounces or more when the
127 pistol is unloaded.



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- 128 e. A semiautomatic version of an automatic firearm.
- 129 f. Any feature capable of functioning as a protruding grip
130 that can be held by the nontrigger hand.
- 131 g. A folding, telescoping, or thumbhole stock.
- 132 3. A semiautomatic shotgun that has one or more of the
133 following:
- 134 a. A folding or telescoping stock.
- 135 b. A pistol grip that protrudes conspicuously beneath the
136 action of the weapon.
- 137 c. A thumbhole stock.
- 138 d. A fixed-magazine capacity in excess of 5 rounds.
- 139 e. An ability to accept a detachable magazine.
- 140 4. A semiautomatic pistol or a semiautomatic, centerfire,
141 or rimfire rifle with a fixed magazine that has the capacity to
142 accept more than 10 rounds of ammunition.
- 143 5. 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 (2) Notwithstanding any other law, a person may not
149 purchase or be sold or transferred an assault weapon without
150 possessing a valid Type 03 Federal Firearms License.
- 151 (3) In addition to the requirements and procedures set out
152 in s. 790.065(1)(d), a licensed importer, licensed manufacturer,
153 or licensed dealer and a private seller facilitating a sale
154 through a licensed dealer must verify that a potential purchaser
155 or transferee of an assault weapon possesses a valid Type 03
156 Federal Firearms License.



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157 (4) A person who violates this subsection commits a
158 misdemeanor of the first degree, punishable as provided in s.
159 775.082 or s. 775.083.

160 Section 8. Paragraph (e) of subsection (3) of section
161 790.335, Florida Statutes, is amended to read:

162 790.335 Prohibition of registration of firearms; electronic
163 records.—

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

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

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

175 Section 9. Present subsection (13) of section 790.065,
176 Florida Statutes, is redesignated as subsection (12),
177 subsections (1), (3), and (10) of that section are amended, and
178 a new subsection (11) is added to that section, to read:

179 790.065 Sale and delivery of firearms.—

180 (1) (a) A licensed importer, licensed manufacturer, or
181 licensed dealer may not sell or deliver from her or his
182 inventory at her or his licensed premises any firearm to another
183 person, other than a licensed importer, licensed manufacturer,
184 licensed dealer, or licensed collector, until she or he has:

185 1. Obtained a completed form from the potential buyer or



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186 transferee, which form shall have been adopted ~~promulgated~~ by
187 the Department of Law Enforcement and provided by the licensed
188 importer, licensed manufacturer, or licensed dealer, which shall
189 include the name, date of birth, gender, race, and social
190 security number or other identification number of such potential
191 buyer or transferee and has inspected proper identification
192 including an identification containing a photograph of the
193 potential buyer or transferee.

194 2. Collected a fee from the potential buyer for processing
195 the criminal history check of the potential buyer. The fee shall
196 be established by the Department of Law Enforcement and may not
197 exceed \$8 per transaction. The Department of Law Enforcement may
198 reduce, or suspend collection of, the fee to reflect payment
199 received from the Federal Government applied to the cost of
200 maintaining the criminal history check system established by
201 this section as a means of facilitating or supplementing the
202 National Instant Criminal Background Check System. The
203 Department of Law Enforcement shall, by rule, establish
204 procedures for the fees to be transmitted by the licensee to the
205 Department of Law Enforcement. All such fees shall be deposited
206 into the Department of Law Enforcement Operating Trust Fund, but
207 shall be segregated from all other funds deposited into such
208 trust fund and must be accounted for separately. Such segregated
209 funds must not be used for any purpose other than the operation
210 of the criminal history checks required by this section. The
211 Department of Law Enforcement, each year before ~~prior to~~
212 February 1, shall make a full accounting of all receipts and
213 expenditures of such funds to the President of the Senate, the
214 Speaker of the House of Representatives, the majority and



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215 minority leaders of each house of the Legislature, and the
216 chairs of the appropriations committees of each house of the
217 Legislature. In the event that the cumulative amount of funds
218 collected exceeds the cumulative amount of expenditures by more
219 than \$2.5 million, excess funds may be used for the purpose of
220 purchasing soft body armor for law enforcement officers.

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

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

229 (b) However, if the person purchasing, or receiving
230 delivery of, the firearm is a holder of a valid concealed
231 weapons or firearms license pursuant to ~~the provisions of s.~~
232 790.06 or holds an active certification from the Criminal
233 Justice Standards and Training Commission as a "law enforcement
234 officer," a "correctional officer," or a "correctional probation
235 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or
236 (9), this subsection does not apply.

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

242 (d)1. If neither party to a prospective firearms sale,
243 lease, or transfer is a licensed dealer, the parties to the



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244 transaction must complete the sale, lease, or transfer through a
245 licensed dealer as follows:

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

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

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

267 (II) If the seller, lessor, or transferor has removed the
268 firearm from the licensed dealer's business premises, contact
269 the seller, lessor, or transferor to let her or him know that he
270 or she may complete the transaction and deliver the firearm to
271 the buyer.

272 c. If the licensed dealer cannot legally complete the



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273 transaction, the dealer must:

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

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

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

286 2. This paragraph does not apply to:

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

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

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

299 (II) The transfer of a firearm to a carrier, warehouseman,
300 or other person engaged in the business of transportation or
301 storage, to the extent that the receipt, possession, or having



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302 on or about the person any firearm is in the ordinary course of
303 business and in conformity with federal, state, and local laws,
304 and not for the personal use of any such person;

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

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

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

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

323 ~~(3) In the event of scheduled computer downtime, electronic~~
324 ~~failure, or similar emergency beyond the control of the~~
325 ~~Department of Law Enforcement, the department shall immediately~~
326 ~~notify the licensee of the reason for, and estimated length of,~~
327 ~~such delay. After such notification, the department shall~~
328 ~~forthwith, and in no event later than the end of the next~~
329 ~~business day of the licensee, either inform the requesting~~
330 ~~licensee if its records demonstrate that the buyer or transferee~~



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331 ~~is prohibited from receipt or possession of a firearm pursuant~~
332 ~~to Florida and Federal law or provide the licensee with a unique~~
333 ~~approval number. Unless notified by the end of said next~~
334 ~~business day that the buyer or transferee is so prohibited, and~~
335 ~~without regard to whether she or he has received a unique~~
336 ~~approval number, the licensee may complete the sale or transfer~~
337 ~~and shall not be deemed in violation of this section with~~
338 ~~respect to such sale or transfer.~~

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

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

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

354 (11) A person younger than 21 years of age may not purchase
355

356 ===== T I T L E A M E N D M E N T =====

357 And the title is amended as follows:

358 Delete lines 43 - 44

359 and insert:



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360 person to petition for simultaneous relief; creating
361 s. 790.0641, F.S.; defining the term "assault weapon";
362 prohibiting a person from purchasing or being sold or
363 transferred an assault weapon without possessing a
364 valid Type 03 Federal Firearms License; requiring a
365 licensed importer, licensed manufacturer, or licensed
366 dealer and a private seller facilitating a sale
367 through a licensed dealer of an assault weapon to
368 verify that the purchaser or transferee possesses such
369 a firearms license; providing criminal penalties;
370 amending s. 790.335, F.S.; conforming a cross-
371 reference; amending s. 790.065, F.S.; requiring that,
372 if neither party to a prospective firearms sale,
373 lease, or transfer is a licensed dealer, the parties
374 complete the sale, lease, or transfer through a
375 licensed dealer; specifying procedures and
376 requirements for a licensed dealer, a seller, lessor,
377 or transferor, and a buyer, lessee, or transferee,
378 including a required background check; authorizing a
379 licensed dealer to charge a buyer or transferee
380 specified fees; providing applicability; deleting
381 provisions authorizing a licensee to complete the sale
382 or transfer of a firearm to a person without receiving
383 notification from the Department of Law Enforcement
384 informing the licensee as to whether such person is
385 prohibited from receipt or possession of a firearm or
386 providing a unique approval number under certain
387 circumstances; deleting provisions exempting a
388 licensed importer, licensed manufacturer, or licensed



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389 dealer from the sale and delivery requirements, under
390 certain circumstances; prohibiting a person younger
391 than a