

By Senator Smith

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A bill to be entitled

An act relating to assault weapons and large-capacity magazines; creating s. 790.301, F.S.; defining terms; prohibiting the sale or transfer of an assault weapon or a large-capacity magazine; providing exceptions; providing criminal penalties; prohibiting possession of an assault weapon or a large-capacity magazine; providing exceptions; providing criminal penalties; requiring certificates of possession for assault weapons or large-capacity magazines lawfully possessed before a specified date; specifying requirements for the certificates; requiring the Department of Law Enforcement to adopt rules by a specified date; requiring the department to conduct certain background investigations; specifying the form of the certificates of possession; limiting sales or transfers of assault weapons or large-capacity magazines documented by certificates of possession; providing conditions for continued possession of such weapons or large-capacity magazines; specifying requirements for an applicant who fails to qualify for a certificate of possession; requiring certificates of transfer for transfers of certain assault weapons or large-capacity magazines; specifying requirements for certificates of transfer; requiring the department to maintain a file of such certificates; providing for relinquishment of assault weapons or large-capacity magazines; specifying requirements for transporting assault weapons or large-capacity magazines under

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certain circumstances; providing criminal penalties; specifying circumstances in which the manufacture or transport of assault weapons or large-capacity magazines is not prohibited; exempting permanently inoperable firearms from certain provisions; amending s. 775.087, F.S.; providing enhanced criminal penalties for certain offenses when committed with an assault weapon or a large-capacity magazine; providing for severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 790.301, Florida Statutes, is created to read:

790.301 Assault weapons.—

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

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

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

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

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- 59 c. Algimec AGM1.
60 d. Barrett 82A1 and REC7.
61 e. Beretta AR-70 and Beretta Storm.
62 f. Bushmaster auto rifle.
63 g. Calico Liberty series.
64 h. Chartered Industries of Singapore SR-88.
65 i. Colt Sporter.
66 j. Daewoo K-1, K-2, Max-1, and Max-2.
67 k. Fabrique National FN/FAL, FN/LAR, and FNC.
68 l. FAMAS MAS 223.
69 m. Federal XC-900 and SC-450.
70 n. FNH PS90, SCAR, and FS2000.
71 o. Goncz High Tech Carbine.
72 p. Hi-Point Carbine.
73 q. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.
74 r. Kel-Tec Sub-2000, SU series, RFB.
75 s. M1 Carbine.
76 t. SAR-8, SAR-4800, and SR9.
77 u. SIG 57 AMT and 500 series.
78 v. SIG Sauer MCX rifle.
79 w. SKS capable of accepting a detachable magazine.
80 x. SLG 95.
81 y. SLR 95 or 96.
82 z. Spectre Auto carbine.
83 aa. Springfield Armory BM59, SAR-48, and G-3.
84 bb. Sterling MK-6 and MK-7.
85 cc. Steyr AUG.
86 dd. Sturm Ruger Mini-14 with folding stock.
87 ee. TNW M230 and M2HB.

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ff. Thompson types, including Thompson T5.

gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil Sniper Rifle (Galatz), or Vector Arms UZI.

hh. Weaver Arms Nighthawk.

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

a. AK-47 pistol and Mini AK-47 pistol.

b. AR-15 pistol.

c. Australian Automatic Arms SAP pistol.

d. Bushmaster Auto pistol.

e. Calico Liberty series pistols.

f. Encom MK-IV, MP-9, and MP-45.

g. Feather AT-9 and Mini-AT.

h. Goncz High Tech Long pistol.

i. Holmes MP-83.

j. Iver Johnson Enforcer.

k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and Velocity Arms VMA series.

l. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.

m. UZI pistol and Micro-UZI pistol.

n. Colefire Magnum.

o. Scarab Skorpion.

p. Spectre Auto pistol.

q. German Sport 522 PK.

r. Chiappa Firearms Mfour-22.

s. DSA SA58 PKP FAL.

t. I.O. Inc. PPS-43C.

u. Kel-Tec PLR-16 pistol.

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117 v. SIG Sauer P556 pistol.

118 w. Thompson TA5 series pistols.

119 x. Wilkinson "Linda" pistol.

120 3. All of the following shotguns, or copies, duplicates, or
121 altered facsimiles thereof with the capability of any such
122 weapon:

123 a. Armscor 30 BG.

124 b. Franchi SPAS-12 and Law-12.

125 c. Remington TAC-2 or TACB3 FS.

126 d. SPAS 12 or LAW 12.

127 e. Striker 12.

128 f. Streetsweeper.

129 g. Saiga.

130 h. USAS-12.

131 i. Kel-Tec KSG.

132 4. A part or combination of parts which converts a firearm
133 into an assault weapon, or any combination of parts from which
134 an assault weapon may be assembled if those parts are in the
135 possession or under the control of the same person.

136 5. Any semiautomatic firearm not listed in subparagraphs
137 1.-4. which meets any of the following criteria:

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

140 (I) A folding or telescoping stock;

141 (II) A pistol grip, a thumbhole stock or Thordsen-type grip
142 or stock, or any other characteristic that can function as a
143 grip;

144 (III) A bayonet mount;

145 (IV) A flash suppressor or threaded barrel designed to

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146 accommodate a flash suppressor;

147 (V) A grenade launcher; or

148 (VI) A shroud attached to the barrel, or that partially or
149 completely encircles the barrel, allowing the shooter to hold
150 the firearm with the non-trigger hand without being burned, but
151 excluding a slide that encloses the barrel.

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

154 (I) The capacity to accept a large-capacity magazine that
155 attaches to the pistol at any location outside of the pistol
156 grip;

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

159 (III) A slide that encloses the barrel and allows the
160 shooter to hold the firearm with the non-trigger hand without
161 being burned;

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

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

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

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

168 c. A semiautomatic shotgun that has one or more of the
169 following:

170 (I) A folding or telescoping stock;

171 (II) A pistol grip, a thumbhole stock or Thordsen-type grip
172 or stock, or any other characteristic that can function as a
173 grip;

174 (III) A thumbhole stock;

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

176 (V) The ability to accept a detachable magazine.

177 d. Any semiautomatic pistol or any semiautomatic,
178 centerfire, or rimfire rifle with a fixed magazine that has the
179 capacity to accept more than 10 rounds of ammunition.

180 e. A part or combination of parts designed or intended to
181 convert a firearm into an assault weapon, or any combination of
182 parts from which an assault weapon may be assembled if those
183 parts are in the possession or under the control of the same
184 person.

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

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

192 (d) "Large-capacity magazine" means an ammunition feeding
193 device with the capacity to accept more than 10 rounds, or any
194 conversion kit, part, or combination of parts from which such a
195 device can be assembled if those parts are in the possession or
196 under the control of the same person, but does not include any
197 of the following:

198 1. A feeding device that has been permanently altered so
199 that it cannot accommodate more than 10 rounds;

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

201 3. A tubular magazine that is contained in a lever-action
202 firearm.

203 (e) "Licensed gun dealer" means a person who has a federal

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firearms license.

(2) SALE OR TRANSFER.—

(a) A person who, within this state, distributes, transports, or imports into this state; who sells, keeps for sale, or offers or exposes for sale; or who gives an assault weapon or a large-capacity magazine in violation of this section, except as provided in paragraph (c), commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 2 years.

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

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

1. The sale of assault weapons or large-capacity magazines to the Department of Law Enforcement, a law enforcement agency as defined in s. 934.02, the Department of Corrections, or the military or naval forces of this state or of 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 a large-capacity magazine for which a certificate of possession has been issued under subsection (4) and which is disposed of as authorized by the probate court, if the disposition is otherwise permitted under this section.

3. The transfer by bequest or intestate succession of an

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assault weapon or a large-capacity magazine for which a
certificate of possession has been issued under subsection (4).

(3) POSSESSION.—

(a) Except as provided in subsection (5), a person who,
within this state, possesses any assault weapon or large-
capacity magazine, except as provided in this section or as
otherwise authorized by law, commits a felony of the third
degree, punishable as provided in s. 775.082, s. 775.083, or s.
775.084, with a mandatory minimum term of imprisonment of 1
year.

(b) Paragraph (a) does not apply to the possession of
assault weapons or large-capacity magazines by members or
employees of the Department of Law Enforcement, a law
enforcement agency as defined in s. 934.02, the Department of
Corrections, or the military or naval forces of this state or of
the United States for use in the discharge of their official
duties; and this section does not prohibit the possession or use
of assault weapons or large-capacity magazines by sworn members
of such agencies when on duty and when the use is within the
scope of their duties.

(c) Paragraph (a) does not apply to the possession of an
assault weapon or a large-capacity magazine by a person before
July 1, 2027, if all of the following are applicable:

1. The person is eligible to apply for a certificate of
possession under subsection (4) for the assault weapon or large-
capacity magazine by July 1, 2027.

2. The person lawfully possessed the assault weapon or
large-capacity magazine before October 1, 2026.

3. The person is otherwise in compliance with this section

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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 a large-capacity magazine for which a certificate of possession has been issued under subsection (4), if the assault weapon or large-capacity magazine is possessed at a place set forth in subparagraph (4)(d)1. or as authorized by the probate court.

(4) CERTIFICATE OF POSSESSION.—

(a) A person who lawfully possesses an assault weapon or a large-capacity magazine before October 1, 2026, must apply by October 1, 2027, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by October 1, 2027, because he or she is or was on official duty outside of this state, must apply within 90 days after returning to this state, to the Department of Law Enforcement for a certificate of possession with respect to such assault weapon or large-capacity magazine. The certificate must contain a description of the assault weapon or large-capacity magazine which identifies it uniquely, including all identification marks; the full name, address, date of birth, and thumbprint of the owner; and any other information as the department may deem appropriate. The department shall adopt rules no later than January 1, 2027, to establish procedures with respect to the application for, and issuance of, certificates of possession pursuant to this subsection. The thumbprint of the applicant must be taken by a law enforcement agency or the Department of Law Enforcement together with any

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personal identifying information required by federal law to process fingerprints. Charges for thumbprint services under this paragraph are not subject to the sales tax on fingerprint services imposed in s. 212.05(1)(i). The Department of Law Enforcement shall conduct a background investigation pursuant to this subsection.

(b) A certificate of possession issued under this subsection must be in substantially the following form:

CERTIFICATE OF POSSESSION OF ASSAULT WEAPON

Certificate Number:

Owner's Name: (last, first, middle)

Address (NO P.O. Boxes): (number, street, city or town, state, zip code)

Date of Birth:

Social Security Number (optional, but will help prevent misidentification):

Driver License Number and State:

Manufacturer:

Importer:

Serial Number:

Model:

Caliber:

Unique I.D./Markings:

Signature of Owner:

Applicant's Right Thumbprint:

(c) An assault weapon or a large-capacity magazine possessed pursuant to this section may not be sold or

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transferred on or after January 1, 2027, to a person within this state other than to a licensed gun dealer, as provided in subsection (5), or by a bequest or intestate succession. A person who obtains title to an assault weapon or a large-capacity magazine for which a certificate of possession has been issued under this subsection by bequest or intestate succession must, within 90 days after obtaining title, apply to the Department of Law Enforcement for a certificate of possession as provided in this subsection, render the assault weapon or large-capacity magazine permanently inoperable, sell the weapon or large-capacity magazine to a licensed gun dealer, or remove the weapon or large-capacity magazine from this state. A person who moves into this state and is in lawful possession of an assault weapon or a large-capacity magazine must, within 90 days, either render the weapon or large-capacity magazine permanently inoperable, sell the weapon or large-capacity magazine to a licensed gun dealer, or remove the weapon or large-capacity magazine from this state. This paragraph does not apply to a person who is a member of the military or naval forces of this state or of the United States, who is in lawful possession of an assault weapon or a large-capacity magazine, and who has been transferred into this state after October 1, 2027.

(d) A person issued a certificate of possession for an assault weapon or a large-capacity magazine under this subsection may possess it only under the following conditions:

1. At that person's residence, place of business, or other property owned by that person, or on property owned by another person with the owner's express permission;
2. While on the premises of a target range of a public or

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private club or organization organized for the purpose of practicing shooting at targets;

3. While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range;

4. While on the premises of a licensed shooting club;

5. While attending any exhibition, display, or educational program that is about firearms and is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state-recognized entity that fosters proficiency in, or promotes education about, firearms; or

6. While transporting the assault weapon or large-capacity magazine between any of the places mentioned in this paragraph, or to any licensed gun dealer for servicing or repair pursuant to paragraph (7)(b), provided the assault weapon or large-capacity magazine is transported as required by subsection (7).

(e) If an applicant for a certificate of possession under this subsection fails to qualify for the certificate after the background investigation required under this subsection, the applicant must arrange to relinquish all assault weapons or large-capacity magazines in his or her possession as provided in subsection (6) within 10 days after he or she receives written notice from the Department of Law Enforcement of failure to qualify for the certificate. Such applicant who fails to make such an arrangement within the time specified in this paragraph is thereafter in violation of this section.

(5) CERTIFICATE OF TRANSFER.—If an owner of an assault weapon or a large-capacity magazine sells or transfers the weapon or magazine to a licensed gun dealer, the owner must, at

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the time of delivery of the weapon, execute a certificate of transfer and cause the certificate to be mailed or delivered to the Department of Law Enforcement. The certificate must contain all of the following:

(a) The date of sale or transfer.

(b) The names and addresses of the seller or transferor and the licensed gun dealer and their social security numbers or driver license numbers.

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

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

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

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

(6) RELINQUISHMENT.—An individual may arrange in advance to relinquish an assault weapon or a large-capacity magazine to a law enforcement agency as defined in s. 934.02 or to the Department of Law Enforcement. The assault weapon or large-capacity magazine must be transported in accordance with subsection (7).

(7) TRANSPORTATION.—

(a) A licensed gun dealer who lawfully purchases for resale outside this state an assault weapon or a large-capacity

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magazine pursuant to subsection (2) may transport the assault weapon or large-capacity magazine between dealers or outside this state, but a person may not carry a loaded assault weapon concealed from public view or knowingly have in any motor vehicle owned, operated, or occupied by him or her a loaded assault weapon or an unloaded assault weapon, unless such weapon is kept in the trunk of such vehicle or in a case or other container that is inaccessible to the operator of or any passenger in such vehicle. A person who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any licensed gun dealer may display the assault weapon or large-capacity magazine at any gun show or sell it to a buyer outside this state.

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

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

(8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION IS NOT PROHIBITED.—This section does not prohibit any person, firm, or corporation engaged in the business of manufacturing assault weapons or large-capacity magazines in this state from manufacturing or transporting assault weapons or large-capacity

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magazines in this state for sale within this state in accordance
with subparagraph (2)(c)1. or for sale outside this state.

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

Section 2. Paragraph (a) of subsection (3) of section
775.087, Florida Statutes, is amended to read:

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

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

- a. Murder;
- b. Sexual battery;
- c. Robbery;
- d. Burglary;
- e. Arson;
- f. Aggravated battery;
- g. Kidnapping;
- h. Escape;
- i. Sale, manufacture, delivery, or intent to sell,
manufacture, or deliver any controlled substance;
- j. Aircraft piracy;
- k. Aggravated child abuse;
- l. Aggravated abuse of an elderly person or disabled adult;
- m. Unlawful throwing, placing, or discharging of a
destructive device or bomb;
- n. Carjacking;
- o. Home-invasion robbery;
- p. Aggravated stalking;

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q. Trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1); or

r. Human trafficking,

and during the commission of the offense, such person possessed a semiautomatic firearm and its high-capacity detachable box magazine, an assault weapon or a large-capacity magazine as those terms are defined in s. 790.301, or a machine gun as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 15 years.

2. Any person who is convicted of a felony or an attempt to commit a felony listed in subparagraph 1., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a semiautomatic firearm and its high-capacity box magazine, an assault weapon or a large-capacity magazine as those terms are defined in s. 790.301, or a "machine gun" as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 20 years.

3. Any person who is convicted of a felony or an attempt to commit a felony listed in subparagraph 1., regardless of whether the use of a weapon is an element of the felony, and during the

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494 course of the commission of the felony such person discharged a
495 semiautomatic firearm and its high-capacity box magazine, an
496 assault weapon or a large-capacity magazine as those terms are
497 defined in s. 790.301, or a "machine gun" as defined in s.
498 790.001 and, as the result of the discharge, death or great
499 bodily harm was inflicted upon any person, the convicted person
500 shall be sentenced to a minimum term of imprisonment of not less
501 than 25 years and not more than a term of imprisonment of life
502 in prison.

503 Section 3. If any provision of this act or its application
504 to any person or circumstance is held invalid, the invalidity
505 does not affect other provisions or applications of the act
506 which can be given effect without the invalid provision or
507 application, and to this end the provisions of this act are
508 severable.

509 Section 4. This act shall take effect October 1, 2026.