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LEGISLATIVE ACTION

Senate

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House

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Floor: 1u/F/2R

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03/03/2018 04:55 PM

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Senator Farmer moved the following:

1 **Senate Amendment to Amendment (234288) (with title**
2 **amendment)**

3
4 Delete lines 364 - 368

5 and insert:

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

8 790.0641 Assault weapons purchase, sale, and transfer
9 restrictions; penalties.-

10 (1) As used in this section, the term "assault weapon"
11 means:



395186

12 (a) A selective-fire firearm capable of fully automatic,
13 semiautomatic, or burst fire at the option of the user or any of
14 the following specified semiautomatic firearms:

15 1. Algimec AGM1.

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

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

25 4. Barrett 82A1 and REC7.

26 5. Beretta AR-70 and Beretta Storm.

27 6. Bushmaster automatic rifle.

28 7. Calico Liberty series rifles.

29 8. Chartered Industries of Singapore SR-88.

30 9. Colt Sporter.

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

32 11. FAMAS MAS .223.

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

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

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

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

38 16. Goncz High-Tech carbine.

39 17. Hi-Point carbine.

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



395186

- 41 19. Kel-Tec RFB, Sub-2000, and SU series.
- 42 20. M1 carbine.
- 43 21. M2HB and TNW M230.
- 44 22. Ruger Mini-14 with folding stock.
- 45 23. SAR-8, SAR-4800, and SR9.
- 46 24. SIG 57 AMT and 500 Series.
- 47 25. Sig Sauer MCX rifle.
- 48 26. SKS capable of accepting a detachable magazine.
- 49 27. SLG 95.
- 50 28. SLR 95 and 96.
- 51 29. Spectre automatic carbine.
- 52 30. Springfield Armory BM59, G-3, and SAR-48.
- 53 31. Sterling MK-6 and MK-7.
- 54 32. Steyr AUG.
- 55 33. Thompson series, including Thompson T5.
- 56 34. Weaver Arms Nighthawk.
- 57 (b) All of the following handguns, copies, duplicates, or
- 58 altered facsimiles with the capability of any such weapon
- 59 thereof:
- 60 1. AK-47 pistol and Mini AK-47 pistol.
- 61 2. AR-15 pistol.
- 62 3. Australian Automatic Arms SAP pistol.
- 63 4. Bushmaster automatic pistol.
- 64 5. Calico Liberty series pistols.
- 65 6. Chiappa Firearms Mfour-22.
- 66 7. Colefire Magnum.
- 67 8. DSA SA58 PKP FAL.
- 68 9. Encom MK-IV, MP-9, and MP-45.
- 69 10. Feather AT-9 and Mini-AT.



395186

70 11. German Sport 522 PK.

71 12. Goncz High-Tech Long pistol.

72 13. Holmes MP-83.

73 14. Intratec AB-10, TEC-9, TEC-22 Scorpion, and TEC-DC9.

74 15. I.O. Inc. PPS-43C.

75 16. Iver Johnson Enforcer.

76 17. Kel-Tec PLR-16 pistol.

77 18. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
78 Velocity Arms VMA series.

79 19. Scarab Skorpion.

80 20. Sig Sauer P556 pistol.

81 21. Spectre automatic pistol.

82 22. Thompson TA5 series pistols.

83 23. UZI pistol and Micro-UZI pistol.

84 34. Wilkinson "Linda" pistol.

85 (c) All of the following shotguns, copies, duplicates, or
86 altered facsimiles with the capability of any such weapon
87 thereof:

88 1. Armscor 30 BG.

89 2. Franchi LAW-12 and SPAS-12.

90 3. Kel-Tec KSG.

91 4. Remington TAC-2 and TACB3 FS.

92 5. Saiga.

93 6. Streetsweeper.

94 7. Striker 12.

95 8. USAS-12.

96 (d) A part or combination of parts that converts a firearm
97 into an assault weapon, or any combination of parts from which
98 an assault weapon may be assembled if those parts are in the



395186

99 possession or under the control of the same person.

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

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

105 a. A folding or telescoping stock.

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

110 c. A bayonet mount.

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

113 e. A grenade launcher.

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

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

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

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

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

127 d. A manufactured weight of 50 ounces or more when the



395186

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



395186

157 Federal Firearms License.

158 (4) A person who violates this subsection commits a
159 misdemeanor of the first degree, punishable as provided in s.
160 775.082 or s. 775.083.

161 Section 11. Paragraph (e) of subsection (3) of section
162 790.335, Florida Statutes, is amended to read:

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

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

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

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

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

180 790.065 Sale and delivery of firearms.—

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



395186

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

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



395186

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

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

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

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

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

243 (d)1. If neither party to a prospective firearms sale,



395186

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

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

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

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

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



395186

273 c. If the licensed dealer cannot legally complete the
274 transaction, the dealer must:

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

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

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

287 2. This paragraph does not apply to:

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

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

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

300 (II) The transfer of a firearm to a carrier, warehouseman,
301 or other person engaged in the business of transportation or



395186

302 storage, to the extent that the receipt, possession, or having
303 on or about the person any firearm is in the ordinary course of
304 business and in conformity with federal, state, and local laws,
305 and not for the personal use of any such person;

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

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

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

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

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



395186

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

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

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

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

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

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

358 And the title is amended as follows:

359 Delete lines 2433 - 2434



395186

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



389 licensed importer, licensed manufacturer, or licensed
390 dealer from the sale and delivery requirements, under
391 certain circumstances; prohibiting a person younger
392 than a certain age