

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Geller offered the following:

Substitute Amendment for Amendment (298137) (with title amendment)

Between lines 747 and 748, insert:

Section 14. Effective October 1, 2018, section 790.30, Florida Statutes, is created to read:

790.30 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 specified semiautomatic firearms:

948269

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Amendment No.

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

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

23 c. Algimec AGM1.

24 d. Barrett 82A1 and REC7.

25 e. Beretta AR-70 and Beretta Storm.

26 f. Bushmaster Auto Rifle.

27 g. Calico Liberty series.

28 h. Chartered Industries of Singapore SR-88.

29 i. Colt Sporter.

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

31 k. FAMAS MAS 223.

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

33 m. Fabrique National FN/FAL, FN/LAR, or FNC.

34 n. FNH PS90, SCAR, and FS2000.

35 o. Goncz High Tech Carbine.

36 p. Hi-Point Carbine.

37 q. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.

38 r. Kel-Tec Sub-2000, SU series, RFB.

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

39 s. M1 Carbine.

40 t. SAR-8, SAR-4800, SR9;

41 u. SIG 57 AMT and 500 Series.

42 v. Sig Sauer MCX Rifle.

43 w. SKS capable of accepting a detachable magazine.

44 x. SLG 95.

45 y. SLR 95 or 96.

46 z. Spectre Auto Carbine.

47 aa. Springfield Armory BM59, SAR-48, and G-3.

48 bb. Sterling MK-6 and MK-7.

49 cc. Steyr AUG.

50 dd. Sturm Ruger Mini-14 with folding stock.

51 ee. TNW M230, M2HB.

52 ff. Thompson types, including Thompson T5.

53 gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil

54 Sniper Rifle (Galatz), or Vector Arms UZI.

55 hh. Weaver Arms Nighthawk.

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

59 a. AK-47 pistol, Mini AK-47 pistol.

60 b. AR-15 pistol.

61 c. Australian Automatic Arms SAP pistol.

62 d. Bushmaster Auto Pistol.

63 e. Calico Liberty series pistols.

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

- 64 f. Encom MK-IV, MP-9, and MP-45.
- 65 g. Feather AT-9 and Mini-AT.
- 66 h. Goncz High Tech Long pistol.
- 67 i. Holmes MP-83.
- 68 j. Iver Johnson Enforcer.
- 69 k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
- 70 Velocity Arms VMA series.
- 71 l. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.
- 72 m. UZI pistol, Micro-UZI pistol.
- 73 n. Colefire Magnum.
- 74 o. Scarab Skorpion.
- 75 p. Spectre Auto pistol.
- 76 q. German Sport 522 PK.
- 77 r. Chiappa Firearms Mfour-22.
- 78 s. DSA SA58 PKP FAL.
- 79 t. I.O. Inc. PPS-43C.
- 80 u. Kel-Tec PLR-16 pistol.
- 81 v. Sig Sauer P556 pistol.
- 82 w. Thompson TA5 series pistols.
- 83 x. Wilkinson "Linda" pistol.
- 84 3. All of the following shotguns, copies, duplicates, or
- 85 altered facsimiles with the capability of any such weapon
- 86 thereof:
- 87 a. Armscor 30 BG.
- 88 b. Franchi SPAS-12 and Law-12.

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

89 c. Remington TAC-2 or TACB3 FS.

90 d. SPAS 12 or LAW 12.

91 e. Striker 12.

92 f. Streetsweeper.

93 g. Saiga.

94 h. USAS-12.

95 i. Kel-tec KSG.

96 4. A part or combination of parts that convert a firearm
97 into an assault weapon or any combination of parts from which an
98 assault weapon may be assembled if those parts are in the
99 possession or under the control of the same person;

100 5. Any semiautomatic firearm not listed in subparagraphs
101 1.-4. that meets the following criteria:

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

104 (I) A folding or telescoping stock;

105 (II) A pistol grip that protrudes conspicuously beneath
106 the action of the weapon or any feature functioning as a
107 protruding grip that can be held by the non-trigger hand or a
108 thumbhole stock;

109 (III) A bayonet mount;

110 (IV) A flash suppressor or threaded barrel designed to
111 accommodate a flash suppressor;

112 (V) A grenade launcher;

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

113 (VI) A shroud attached to the barrel, or that partially or
114 completely encircles the barrel allowing the bearer to hold the
115 firearm with the non-trigger hand without being burned, but
116 excluding a slide that encloses the barrel; or

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

119 (I) The capacity to accept an ammunition magazine that
120 attaches to the pistol at any location outside of the pistol
121 grip;

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

124 (III) A slide that encloses the barrel and that permits
125 the shooter to hold the firearm with the non-trigger hand
126 without being burned;

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

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

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

132 (VII) A folding, telescoping, or thumbhole stock; or

133 c. A semiautomatic shotgun that has one or more of the
134 following:

135 (I) A folding or telescoping stock;

136 (II) A pistol grip that protrudes conspicuously beneath
137 the action of the weapon;

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

- 138 (III) A thumbhole stock;
- 139 (IV) A fixed magazine capacity in excess of 5 rounds;
- 140 (V) An ability to accept a detachable magazine; or
- 141 d. Any semiautomatic pistol or any semiautomatic,
- 142 centerfire, or rimfire rifle with a fixed magazine that has the
- 143 capacity to accept more than 10 rounds of ammunition; or
- 144 e. 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 (b) "Detachable magazine" means an ammunition feeding
- 150 device that can be removed from a firearm without disassembly of
- 151 the firearm action.
- 152 (c) "Fixed magazine" means an ammunition feeding device
- 153 contained in, or permanently attached to, a firearm in such a
- 154 manner that the device cannot be removed without disassembly of
- 155 the firearm action.
- 156 (d) "Large-capacity magazine" means any ammunition feeding
- 157 device with the capacity to accept more than 10 rounds, or any
- 158 conversion kit, part, or combination of parts from which such a
- 159 device can be assembled if those parts are in the possession or
- 160 under the control of the same person, but does not include any
- 161 of the following:

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

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

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

165 3. A tubular magazine that is contained in a lever-action
166 firearm.

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

169 (2) SALE OR TRANSFER.—

170 (a) Any person who, within this state, distributes,
171 transports, or imports into the state, sells, keeps for sale, or
172 offers or exposes for sale, or who gives any assault weapon or
173 large-capacity ammunition magazine, in violation of this
174 section, except as provided in paragraph (b), commits a felony
175 of the third degree, punishable as provided in s. 775.082, s.
176 775.083, or s. 775.084, with a mandatory minimum term of
177 imprisonment of 2 years.

178 (b) Any person who transfers, sells, or gives any assault
179 weapon or large-capacity ammunition magazine to a person under
180 18 years of age in violation of this section commits a felony of
181 the second degree, punishable as provided in s. 775.082, s.
182 775.083, or s. 775.084, with a mandatory minimum term of
183 imprisonment of 6 years.

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

185 1. The sale of assault weapons or large-capacity
186 ammunition magazines to the Department of Law Enforcement, a law

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

187 enforcement agency, as defined in s. 934.02, the Department of
188 Corrections, or the military or naval forces of this state or of
189 the United States for use in the discharge of their official
190 duties.

191 2. A person who is the executor or administrator of an
192 estate that includes an assault weapon or large-capacity
193 ammunition magazine for which a certificate of possession has
194 been issued under this section which is disposed of as
195 authorized by the probate court, if the disposition is otherwise
196 permitted under this section.

197 (3) POSSESSION.-

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

204 (b) Paragraph (a) does not apply to the possession of
205 assault weapons or large-capacity ammunition magazines by
206 members or employees of the Department of Law Enforcement, a law
207 enforcement agency, as defined in s. 934.02, the Department of
208 Corrections, or the military or naval forces of this state or of
209 the United States for use in the discharge of their official
210 duties; nor does this section prohibit the possession or use of
211 assault weapons or large-capacity ammunition magazines by sworn

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

212 members of these agencies when on duty and the use is within the
213 scope of their duties.

214 (c) Paragraph (a) does not apply to the possession of an
215 assault weapon or large-capacity ammunition magazine by any
216 person prior to July 1, 2019, if the person lawfully possessed
217 the assault weapon or large-capacity ammunition magazine prior
218 to October 1, 2018; and

219 3. The person is otherwise in compliance with this section
220 and the applicable requirements of this chapter for possession
221 of a firearm.

222 (4) CERTIFICATE OF TRANSFER.—If an owner of an assault
223 weapon or large-capacity ammunition magazine sells or transfers
224 the weapon or magazine to a licensed gun dealer, he or she
225 shall, at the time of delivery of the weapon, execute a
226 certificate of transfer and cause the certificate to be mailed
227 or delivered to the Department of Law Enforcement. The
228 certificate shall contain:

229 (a) The date of sale or transfer.

230 (b) The name and address of the seller or transferor and
231 the licensed gun dealer and their social security numbers or
232 driver license numbers.

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

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

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

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

239
240 The licensed gun dealer shall present his or her driver license
241 or social security card and federal firearms license to the
242 seller or transferor for inspection at the time of purchase or
243 transfer. The Department of Law Enforcement shall maintain a
244 file of all certificates of transfer at its headquarters.

245 (5) RELINQUISHMENT.—An individual may arrange in advance
246 to relinquish an assault weapon or large-capacity ammunition
247 magazine to a law enforcement agency, as defined in s. 934.02,
248 or the Department of Law Enforcement. The assault weapon or
249 large-capacity ammunition magazine shall be transported in
250 accordance with subsection (6).

251 (6) TRANSPORTATION.—

252 (a) A licensed gun dealer who lawfully purchases for
253 resale out of state an assault weapon or large-capacity magazine
254 pursuant to subsection (2) may transport the assault weapon or
255 large-capacity magazine between dealers or out of the state, but
256 no person shall carry a loaded assault weapon concealed from
257 public view or knowingly have in any motor vehicle owned,
258 operated, or occupied by him a loaded assault weapon, or an
259 unloaded assault weapon, unless such weapon is kept in the trunk
260 of such vehicle or in a case or other container which is
261 inaccessible to the operator of or any passenger in such

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

262 vehicle. Any person who violates this subsection commits a
263 misdemeanor of the second degree, punishable as provided in s.
264 775.082 or s. 775.083. Any licensed gun dealer may display the
265 assault weapon or large-capacity magazine at any gun show or
266 sell it to a resident outside the state.

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

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

278 (7) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION
279 NOT PROHIBITED.—This section does not prohibit any person, firm,
280 or corporation engaged in the business of manufacturing assault
281 weapons or large-capacity ammunition magazines in this state
282 from manufacturing or transporting assault weapons or large-
283 capacity ammunition magazines in this state for sale within this
284 state in accordance with subparagraph (2)(c)1. or for sale
285 outside this state.

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

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

288 Section 15. Paragraph (a) of subsection (3) of section
289 775.087, Florida Statutes, is amended to read:

290 775.087 Possession or use of weapon; aggravated battery;
291 felony reclassification; minimum sentence.—

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

- 295 a. Murder;
- 296 b. Sexual battery;
- 297 c. Robbery;
- 298 d. Burglary;
- 299 e. Arson;
- 300 f. Aggravated battery;
- 301 g. Kidnapping;
- 302 h. Escape;
- 303 i. Sale, manufacture, delivery, or intent to sell,
304 manufacture, or deliver any controlled substance;
- 305 j. Aircraft piracy;
- 306 k. Aggravated child abuse;
- 307 l. Aggravated abuse of an elderly person or disabled
308 adult;
- 309 m. Unlawful throwing, placing, or discharging of a
310 destructive device or bomb;

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

311 n. Carjacking;
312 o. Home-invasion robbery;
313 p. Aggravated stalking; or
314 q. Trafficking in cannabis, trafficking in cocaine,
315 capital importation of cocaine, trafficking in illegal drugs,
316 capital importation of illegal drugs, trafficking in
317 phencyclidine, capital importation of phencyclidine, trafficking
318 in methaqualone, capital importation of methaqualone,
319 trafficking in amphetamine, capital importation of amphetamine,
320 trafficking in flunitrazepam, trafficking in gamma-
321 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
322 trafficking in Phenethylamines, or other violation of s.
323 893.135(1);

324
325 and during the commission of the offense, such person possessed
326 a semiautomatic firearm and its high-capacity detachable box
327 magazine, an assault weapon or large-capacity magazine as
328 defined in s. 790.30, or a machine gun as defined in s. 790.001,
329 shall be sentenced to a minimum term of imprisonment of 15
330 years.

331 2. Any person who is convicted of a felony or an attempt
332 to commit a felony listed in subparagraph (a)1., regardless of
333 whether the use of a weapon is an element of the felony, and
334 during the course of the commission of the felony such person
335 discharged a semiautomatic firearm and its high-capacity box

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

336 magazine, an assault weapon or large-capacity magazine as
337 defined in s. 790.30, or a "machine gun" as defined in s.
338 790.001 shall be sentenced to a minimum term of imprisonment of
339 20 years.

340 3. Any person who is convicted of a felony or an attempt
341 to commit a felony listed in subparagraph (a)1., regardless of
342 whether the use of a weapon is an element of the felony, and
343 during the course of the commission of the felony such person
344 discharged a semiautomatic firearm and its high-capacity box
345 magazine, an assault weapon or large-capacity magazine as
346 defined in s. 790.30, or a "machine gun" as defined in s.
347 790.001 and, as the result of the discharge, death or great
348 bodily harm was inflicted upon any person, the convicted person
349 shall be sentenced to a minimum term of imprisonment of not less
350 than 25 years and not more than a term of imprisonment of life
351 in prison.

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

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Remove line 83 and insert:

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criminal penalties; creating s. 790.30, F.S.;

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providing definitions; prohibiting the sale or

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transfer of an assault weapon or large-capacity

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ammunition magazine; providing exceptions; providing

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criminal penalties; prohibiting possession of an

948269

Approved For Filing: 3/5/2018 9:05:41 PM

Amendment No.

361 assault weapon or large-capacity magazine; providing
362 exceptions; providing criminal penalties; requiring
363 certificates of transfer for transfers of assault
364 weapons or large-capacity magazines; providing for
365 relinquishment of assault weapons or large-capacity
366 magazines; providing requirements for transportation
367 of assault weapons or large-capacity magazines;
368 providing criminal penalties; specifying circumstances
369 in which the manufacture or transportation of assault
370 weapons or large-capacity magazines is not prohibited;
371 exempting permanently inoperable firearms from
372 provisions; amending s. 775.087, F.S.; providing
373 enhanced criminal penalties for certain offenses when
374 committed with an assault weapon or large-capacity
375 magazine; providing legislative intent;

948269

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