

By Senator Wilson

33-504-07

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A bill to be entitled

An act relating to imitation firearms; defining the term "imitation firearm"; prohibiting the sale of an imitation firearm; providing exceptions; providing penalties for a person who sells an imitation firearm; providing an effective date.

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

Section 1. Sale of imitation firearms prohibited; penalties.--

(1) As used in this section, the term "imitation firearm" means any toy gun, replica of a firearm, air-soft gun that fires nonmetallic projectiles, or other device that is so substantially similar in coloration and overall appearance to a firearm, as defined in s. 790.001, Florida Statutes, as to lead a reasonable person to believe that the device is a firearm. As provided in the federal regulations governing imitation firearms, the term does not include:

(a) A nonfiring collector's replica of an antique firearm developed prior to 1898;

(b) Traditional BB, paintball, or pellet-firing air guns that expel a projectile through the force of air pressure; or

(c) A device for which a blaze orange solid plug or marking is permanently affixed to the muzzle end of the barrel for a depth of no more than 6 millimeters; a device for which the entire exterior surface is colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple, either singly or as the

1 predominant color in combination with other colors in any
2 pattern; or a device that is constructed of transparent or
3 translucent materials that permit unmistakable observation of
4 the complete contents of the device.

5 (2) A person may not sell or offer for sale within
6 this state, by mail or in any other manner, an imitation
7 firearm.

8 (3) A person may sell or offer for sale an imitation
9 firearm if the device is sold solely for purposes of:

10 (a) Export in interstate or foreign commerce;

11 (b) Lawful use in theatrical productions, including
12 motion picture, television, and stage productions;

13 (c) Use in a certified or regulated sporting event or
14 competition;

15 (d) Use in military or civil defense activities or
16 ceremonial activities; or

17 (e) Public displays authorized by public or private
18 schools.

19 (4)(a) A person who violates subsection (2) commits a
20 misdemeanor of the first degree, punishable as provided in s.
21 775.082 or s. 775.083, Florida Statutes.

22 (b) A person who violates subsection (2) a second or
23 subsequent time commits a felony of the third degree,
24 punishable as provided in s. 775.082 or s. 775.083, Florida
25 Statutes.

26 Section 2. This act shall take effect October 1, 2007.

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29 SENATE SUMMARY

30 Defines the term "imitation firearm." Prohibits the sale
31 of any imitation firearm. Provides exceptions. Provides
penalties for a person who sells an imitation firearm.