

By Senator Wilson

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1 A bill to be entitled
2 An act relating to imitation firearms; defining the term
3 "imitation firearm"; prohibiting the sale of an imitation
4 firearm; providing exceptions; providing penalties for a
5 person who sells an imitation firearm; providing an
6 effective date.

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

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

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

20 (a) A nonfiring collector's replica of an antique firearm
21 developed before 1898;

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

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

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30 combination with other colors in any pattern; or a device that is
31 constructed of transparent or translucent materials that permit
32 unmistakable observation of the complete contents of the device.

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

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

37 (a) Export in interstate or foreign commerce;

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

40 (c) Use in a certified or regulated sporting event or
41 competition;

42 (d) Use in military or civil defense activities or
43 ceremonial activities; or

44 (e) Public displays authorized by public or private
45 schools.

46 (4) (a) A person who violates subsection (2) commits a
47 misdemeanor of the first degree, punishable as provided in s.
48 775.082 or s. 775.083, Florida Statutes.

49 (b) A person who violates subsection (2) a second or
50 subsequent time commits a felony of the third degree, punishable
51 as provided in s. 775.082, s. 775.083, or s. 775.084, Florida
52 Statutes.

53 Section 2. This act shall take effect October 1, 2008.