



611012

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/3R

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03/03/2018 10:03 AM

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Senator Stewart moved the following:

**Senate Amendment (with title amendment)**

Before line 14

insert:

Section 1. Section 790.30, Florida Statutes, is created to read:

790.30 Assault weapons.-

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

(a) "Assault weapon" means:

1. A selective-fire firearm capable of fully automatic, semiautomatic, or burst fire at the option of the user.



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12       2. A part or combination of parts that convert a firearm  
13 into an assault weapon, or any combination of parts from which  
14 an assault weapon may be assembled if those parts are in the  
15 possession or under the control of the same person.

16       3. A semiautomatic firearm that meets the criteria of one  
17 of the following sub-subparagraphs:

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

20       (I) A folding or telescoping stock.

21       (II) A pistol grip that protrudes conspicuously beneath the  
22 action of the weapon or any feature functioning as a protruding  
23 grip that can be held by the nontrigger hand or a thumbhole  
24 stock.

25       (III) A bayonet mount.

26       (IV) A flash suppressor or threaded barrel designed to  
27 accommodate a flash suppressor.

28       (V) A grenade launcher.

29       (VI) A shroud that is attached to the barrel, or that  
30 partially or completely encircles the barrel and allows the  
31 bearer to hold the firearm with the nontrigger hand without  
32 being burned, but excluding a slide that encloses the barrel.

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

35       (I) The capacity to accept an ammunition magazine that  
36 attaches to the pistol at any location outside the pistol grip.

37       (II) A threaded barrel capable of accepting a barrel  
38 extender, flash suppressor, forward handgrip, or silencer.

39       (III) A slide that encloses the barrel and that allows the  
40 shooter to hold the firearm with the nontrigger hand without



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41 being burned.

42 (IV) A manufactured weight of 50 ounces or more when the  
43 pistol is unloaded.

44 (V) A semiautomatic version of an automatic firearm.

45 (VI) Any feature capable of functioning as a protruding  
46 grip that can be held by the nontrigger hand.

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

48 c. A semiautomatic shotgun that has one or more of the  
49 following:

50 (I) A folding or telescoping stock.

51 (II) A pistol grip that protrudes conspicuously beneath the  
52 action of the weapon.

53 (III) A thumbhole stock.

54 (IV) A fixed-magazine capacity in excess of 5 rounds.

55 (V) An ability to accept a detachable magazine.

56 d. A semiautomatic pistol or a semiautomatic, centerfire,  
57 or rimfire rifle with a fixed magazine that has the capacity to  
58 accept more than 10 rounds of ammunition.

59 e. A part or combination of parts designed or intended to  
60 convert a firearm into an assault weapon, or any combination of  
61 parts from which an assault weapon may be assembled if those  
62 parts are in the possession or under the control of the same  
63 person.

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

67 (c) "Fixed magazine" means an ammunition feeding device  
68 contained in, or permanently attached to, a firearm in such a  
69 manner that the device cannot be removed without disassembly of



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70 the firearm action.

71 (d) "Large-capacity magazine" means any ammunition feeding  
72 device with the capacity to accept more than 7 rounds, or any  
73 conversion kit, part, or combination of parts from which such a  
74 device can be assembled if those parts are in the possession or  
75 under the control of the same person, but does not include any  
76 of the following:

77 1. A feeding device that has been permanently altered so  
78 that it cannot accommodate more than 7 rounds;

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

80 3. A tubular magazine that is contained in a lever-action  
81 firearm.

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

84 (2) SALE OR TRANSFER.—

85 (a) A person may not import into this state or, within this  
86 state, distribute, transport, sell, keep for sale, offer or  
87 expose for sale, or give an assault weapon or large-capacity  
88 magazine. Except as provided in paragraph (b), any person who  
89 violates this paragraph commits a felony of the third degree,  
90 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

91 (b) A person may not transfer, sell, or give an assault  
92 weapon or large-capacity magazine to a person under 21 years of  
93 age. Any person who violates this paragraph commits a felony of  
94 the second degree, punishable as provided in s. 775.082, s.  
95 775.083, or s. 775.084.

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

97 1. The sale of assault weapons or large-capacity magazines  
98 to the Department of Law Enforcement, to a law enforcement



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99 agency as defined in s. 934.02, to the Department of  
100 Corrections, or to the military, air, or naval forces of this  
101 state or the United States for use in the discharge of their  
102 official duties.

103 2. A person who is the executor or administrator of an  
104 estate that includes an assault weapon or large-capacity  
105 magazine which is disposed of as authorized by the probate  
106 court, if the disposition is otherwise authorized under this  
107 section.

108 3. The transfer by bequest or intestate succession of an  
109 assault weapon or large-capacity magazine.

110 (3) POSSESSION.—

111 (a) Except as otherwise provided in this section or  
112 authorized by any other law, a person may not, within this  
113 state, possess an assault weapon or large-capacity magazine. Any  
114 person who violates this paragraph commits a felony of the third  
115 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
116 775.084.

117 (b) Paragraph (a) does not apply to the possession of an  
118 assault weapon or large-capacity magazine by a member or  
119 employee of the Department of Law Enforcement, a law enforcement  
120 agency as defined in s. 934.02, the Department of Corrections,  
121 or the military, air, or naval forces of this state or of the  
122 United States for use in the discharge of his or her official  
123 duties; nor does this section prohibit the possession or use of  
124 an assault weapon or large-capacity magazine by a sworn member  
125 of one of these agencies when on duty and when the use is within  
126 the scope of his or her duties.

127 (c) Paragraph (a) does not apply to the possession of an



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128 assault weapon or large-capacity magazine by any person before  
129 July 1, 2019, if all of the following are applicable:

130 1. The person is eligible to apply for a certificate of  
131 possession for the assault weapon or large-capacity magazine by  
132 July 1, 2019;

133 2. The person lawfully possessed the assault weapon or  
134 large-capacity magazine before October 1, 2018; and

135 3. The person is otherwise in compliance with this section  
136 and the applicable requirements of this chapter for possession  
137 of a firearm.

138 (d) Paragraph (a) does not apply to a person who is the  
139 executor or administrator of an estate that includes an assault  
140 weapon or large-capacity magazine, if the assault weapon or  
141 large-capacity magazine is possessed at a place authorized by  
142 the probate court.

143  
144 ===== T I T L E A M E N D M E N T =====

145 And the title is amended as follows:

146 Delete line 2

147 and insert:

148 An act relating to firearms; creating s. 790.30, F.S.;

149 defining terms; prohibiting the sale or transfer of an

150 assault weapon or large-capacity magazine; providing

151 exceptions; providing criminal penalties; prohibiting

152 possession of an assault weapon or large-capacity

153 magazine; providing exceptions; providing criminal

154 penalties; amending s.