By Senator Farmer

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A bill to be entitled

An act relating to assault weapons and large-capacity magazines; creating s. 790.301, F.S.; providing definitions; prohibiting the sale or transfer of an assault weapon or large-capacity ammunition magazine; providing exceptions; providing criminal penalties; prohibiting possession of an assault weapon or largecapacity magazine; providing exceptions; providing criminal penalties; requiring certificates of possession for assault weapons or large-capacity ammunition magazines lawfully possessed before a specified date; providing requirements for certificates; specifying the form of certificates; limiting transfers of assault weapons or largecapacity ammunition magazines represented by such certificates; providing conditions for continued possession of such weapons or large-capacity ammunition magazines; providing requirements for an applicant who fails to qualify for such a certificate; requiring certificates of transfer for transfers of assault weapons or large-capacity magazines; providing requirements for certificates of transfer; requiring the Department of Law Enforcement to maintain a file of such certificates; providing for relinquishment of assault weapons or large-capacity magazines; providing requirements for transportation of assault weapons or large-capacity magazines; providing criminal penalties; specifying circumstances in which the manufacture or transportation of assault weapons or

large-capacity magazines is not prohibited; exempting permanently inoperable firearms from provisions; amending s. 775.087, F.S.; providing enhanced criminal penalties for certain offenses when committed with an assault weapon or large-capacity magazine; providing severability; providing an effective date.

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

Section 1. Section 790.301, Florida Statutes, is created to read:

790.301 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:
- a. All AK series, including, but not limited to, the following: AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90, NHM91, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47, and Vector Arms AK-47.
- b. All AR series, including, but not limited to, the following: AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and M15, Olympic Arms, AR70, DPMS Tactical Rifles, Smith & Wesson M&P15 Rifles, Colt AR-15, Rock River Arms LAR-15, and DoubleStar AR rifles.
 - c. Algimec AGM1.
 - d. Barrett 82A1 and REC7.
 - e. Beretta AR-70 and Beretta Storm.

20201208 34-01324-20 59 f. Bushmaster Auto Rifle. 60 g. Calico Liberty series. 61 h. Chartered Industries of Singapore SR-88. 62 i. Colt Sporter. 63 j. Daewoo K-1, K-2, Max-1, and Max-2. 64 k. FAMAS MAS 223. 65 1. Federal XC-900 and SC-450. m. Fabrique National FN/FAL, FN/LAR, or FNC. 66 67 n. FNH PS90, SCAR, and FS2000. 68 o. Goncz High Tech Carbine. 69 p. Hi-Point Carbine. q. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1. 70 r. Kel-Tec Sub-2000, SU series, RFB. 71 72 s. M1 Carbine. 73 t. SAR-8, SAR-4800, SR9. 74 u. SIG 57 AMT and 500 Series. 75 v. SIG Sauer MCX Rifle. 76 w. SKS capable of accepting a detachable magazine. 77 x. SLG 95. 78 y. SLR 95 or 96. 79 z. Spectre Auto Carbine. 80 aa. Springfield Armory BM59, SAR-48, and G-3. bb. Sterling MK-6 and MK-7. 81 82 cc. Steyr AUG. 83 dd. Sturm Ruger Mini-14 with folding stock. 84 ee. TNW M230, M2HB. ff. Thompson types, including Thompson T5. 85 gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil Sniper 86 87 Rifle (Galatz), or Vector Arms UZI.

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20201208 34-01324-20 88 hh. Weaver Arms Nighthawk. 89 2. All of the following handguns, copies, duplicates, or altered facsimiles with the capability of any such weapon 90 91 thereof: 92 a. AK-47 pistol, Mini AK-47 pistol. 93 b. AR-15 pistol. 94 c. Australian Automatic Arms SAP pistol. 95 d. Bushmaster Auto Pistol. 96 e. Calico Liberty series pistols. 97 f. Encom MK-IV, MP-9, and MP-45. 98 g. Feather AT-9 and Mini-AT. 99 h. Goncz High Tech Long pistol. 100 i. Holmes MP-83. 101 j. Iver Johnson Enforcer. 102 k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and 103 Velocity Arms VMA series. 104 1. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10. 105 m. UZI pistol, Micro-UZI pistol. 106 n. Colefire Magnum. 107 o. Scarab Skorpion. 108 p. Spectre Auto pistol. 109 q. German Sport 522 PK. 110 r. Chiappa Firearms Mfour-22. 111 s. DSA SA58 PKP FAL. t. I.O. Inc. PPS-43C. 112 113 u. Kel-Tec PLR-16 pistol. 114 v. SIG Sauer P556 pistol. 115 w. Thompson TA5 series pistols. 116 x. Wilkinson "Linda" pistol.

34-01324-20 20201208 117 3. All of the following shotguns, copies, duplicates, or 118 altered facsimiles with the capability of any such weapon 119 thereof: 120 a. Armscor 30 BG. 121 b. Franchi SPAS-12 and Law-12. 122 c. Remington TAC-2 or TACB3 FS. 123 d. SPAS 12 or LAW 12. 124 e. Striker 12. 125 f. Streetsweeper. 126 g. Saiga. 127 h. USAS-12. 128 i. Kel-Tec KSG. 129 4. A part or combination of parts that convert a firearm into an assault weapon or any combination of parts from which an 130 131 assault weapon may be assembled if those parts are in the 132 possession or under the control of the same person; or 133 5. Any semiautomatic firearm not listed in subparagraphs 134 1.-4. that meets the following criteria: 135 a. A semiautomatic rifle that has an ability to accept a 136 detachable magazine and has one or more of the following: 137 (I) A folding or telescoping stock; 138 (II) A pistol grip, a thumbhole stock or Thordsen-type grip or stock, or any other characteristic that can function as a 139 140 grip; 141 (III) A bayonet mount; 142 (IV) A flash suppressor or threaded barrel designed to 143 accommodate a flash suppressor; 144 (V) A grenade launcher; or (VI) A shroud attached to the barrel, or that partially or 145

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centerfire, or rimfire rifle with a fixed magazine that has the capacity to accept more than 10 rounds of ammunition; or

- e. A part or combination of parts designed or intended to convert a firearm into an assault weapon or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.
- (b) "Detachable magazine" means an ammunition feeding device that can be removed from a firearm without disassembly of the firearm action.
- (c) "Fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.
- (d) "Large-capacity magazine" means any ammunition feeding device with the capacity to accept more than 10 rounds, or any conversion kit, part, or combination of parts from which such a device can be assembled if those parts are in the possession or under the control of the same person, but does not include any of the following:
- 1. A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds;
 - 2. A .22 caliber tube ammunition feeding device; or
- 3. A tubular magazine that is contained in a lever-action firearm.
- (e) "Licensed gun dealer" means a person who has a federal firearms license.
 - (2) SALE OR TRANSFER.—
 - (a) Any person who, within this state, distributes,

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

- (b) Any person who transfers, sells, or gives any assault weapon or large-capacity ammunition magazine to a person under 18 years of age in violation of this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 6 years.
 - (c) Paragraph (a) does not apply to:
- 1. The sale of assault weapons or large-capacity ammunition magazines to the Department of Law Enforcement, a law enforcement agency, as defined in s. 934.02, the Department of Corrections, or the military or naval forces of this state or of the United States for use in the discharge of their official duties.
- 2. A person who is the executor or administrator of an estate that includes an assault weapon or large-capacity ammunition magazine for which a certificate of possession has been issued under this section which is disposed of as authorized by the probate court, if the disposition is otherwise permitted under this section.
- 3. The transfer by bequest or intestate succession of an assault weapon or large-capacity ammunition magazine for which a certificate of possession has been issued under subsection (4).

(3) POSSESSION.—

- (a) Except as provided in subsection (5), any person who, within this state, possesses any assault weapon or large-capacity ammunition magazine, except as provided in this section or as otherwise authorized by law, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 1 year.
- (b) Paragraph (a) does not apply to the possession of assault weapons or large-capacity ammunition magazines by members or employees of the Department of Law Enforcement, a law enforcement agency, as defined in s. 934.02, the Department of Corrections, or the military or naval forces of this state or of the United States for use in the discharge of their official duties; nor does this section prohibit the possession or use of assault weapons or large-capacity ammunition magazines by sworn members of these agencies when on duty and the use is within the scope of their duties.
- (c) Paragraph (a) does not apply to the possession of an assault weapon or large-capacity ammunition magazine by any person prior to July 1, 2021, if all of the following are applicable:
- 1. The person is eligible to apply for a certificate of possession for the assault weapon or large-capacity ammunition magazine by July 1, 2021;
- 2. The person lawfully possessed the assault weapon or large-capacity ammunition magazine prior to October 1, 2020; and
- 3. The person is otherwise in compliance with this section and the applicable requirements of this chapter for possession

of a firearm.

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(d) Paragraph (a) does not apply to a person who is the executor or administrator of an estate that includes an assault weapon or large-capacity ammunition magazine for which a certificate of possession has been issued under subsection (4), if the assault weapon is possessed at a place set forth in subparagraph (4) (d) 1. or as authorized by the probate court.

(4) CERTIFICATE OF POSSESSION.—

(a) Any person who lawfully possesses an assault weapon or large-capacity ammunition magazine prior to October 1, 2020, shall apply by October 1, 2021, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by October 1, 2021, because he or she is or was on official duty outside of this state, shall apply within 90 days of returning to the state to the Department of Law Enforcement, for a certificate of possession with respect to such assault weapon or large-capacity ammunition magazine. The certificate shall contain a description of the assault weapon or large-capacity ammunition magazine that identifies it uniquely, including all identification marks; the full name, address, date of birth, and thumbprint of the owner; and any other information as the department may deem appropriate. The department shall adopt regulations no later than January 1, 2021, to establish procedures with respect to the application for, and issuance of, certificates of possession pursuant to this section. The thumbprint of the applicant shall be taken by a law enforcement agency or the Department of Law Enforcement together with any personal identifying information required by federal law to process fingerprints. Charges for thumbprint

34-01324-20 20201208 291 services under this paragraph are not subject to the sales tax 292 on fingerprint services imposed in s. 212.05(1)(i). The 293 Department of Law Enforcement shall conduct a background 294 investigation pursuant to this subsection. 295 (b) A certificate of possession issued under this 296 subsection must be in substantially the following form: 297 CERTIFICATE OF POSSESSION OF ASSAULT WEAPON 298 Certificate Number: 299 Owner's name: (Last, First, Middle) 300 Address: (Number, Street, City or Town, State, Zip Code) NO 301 P.O. Boxes 302 Date of Birth: 303 Social Security Number (Optional, but will help prevent 304 misidentification): 305 Driver License Number and State: 306 Manufacturer: Importer: Serial Number: Model: Caliber: Unique 307 I.D./Markings: 308 Signature of Owner 309 Applicant's Right Thumbprint 310 (c) An assault weapon or large-capacity ammunition magazine 311 possessed pursuant to this section may not be sold or 312 transferred on or after January 1, 2021, to any person within this state other than to a licensed gun dealer, as provided in 313 314 subsection (5), or by a bequest or intestate succession. A 315 person who obtains title to an assault weapon or large-capacity ammunition magazine for which a certificate of possession has 316 317 been issued under this section by bequest or intestate succession shall, within 90 days of obtaining title, apply to 318 319 the Department of Law Enforcement for a certificate of

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possession as provided in paragraph (a), render the weapon or large-capacity ammunition magazine permanently inoperable, sell the weapon or large-capacity ammunition magazine to a licensed gun dealer, or remove the weapon or large-capacity ammunition magazine from the state. Any person who moves into the state in lawful possession of an assault weapon or large-capacity ammunition magazine shall, within 90 days, either render the weapon or large-capacity ammunition magazine permanently inoperable, sell the weapon or large-capacity ammunition magazine to a licensed gun dealer, or remove the weapon or large-capacity ammunition magazine from this state, except any person who is a member of the military or naval forces of this state or of the United States, is in lawful possession of an assault weapon or large-capacity ammunition magazine, and has been transferred into the state after October 1, 2021.

- (d) A person who has been issued a certificate of possession for an assault weapon or large-capacity ammunition magazine under this section may possess it only under the following conditions:
- 1. At that person's residence, place of business, or other property owned by that person, or on property owned by another person with the owner's express permission;
- 2. While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets;
- 3. While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range;
 - 4. While on the premises of a licensed shooting club;

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5. While attending any exhibition, display, or educational project which is about firearms and which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state-recognized entity that fosters proficiency in, or promotes education about, firearms; or

- 6. While transporting the assault weapon or large-capacity ammunition magazine between any of the places mentioned in this subsection, or to any licensed gun dealer for servicing or repair pursuant to paragraph (7)(b), provided the assault weapon or large-capacity ammunition magazine is transported as required by subsection (7).
- (e) If an applicant for a certificate of possession under this subsection fails to qualify for such a certificate after the investigation required under this subsection, the applicant shall arrange to relinquish all assault weapons or large-capacity ammunition magazines in his or her possession as provided in subsection (7) within 10 days of issuance of the notice of such failure. Such an applicant who fails to make such an arrangement within the time specified in this paragraph is thereafter in violation of this section.
- (5) CERTIFICATE OF TRANSFER.—If an owner of an assault weapon or large-capacity ammunition magazine sells or transfers the weapon or magazine to a licensed gun dealer, he or she shall, at the time of delivery of the weapon, execute a certificate of transfer and cause the certificate to be mailed or delivered to the Department of Law Enforcement. The certificate shall contain:
 - (a) The date of sale or transfer.

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

- (c) The licensed gun dealer's federal firearms license number.
- (d) A description of the weapon, including the caliber of the weapon and its make, model, and serial number.
- (e) Any other information the Department of Law Enforcement prescribes.

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

- (6) RELINQUISHMENT.—An individual may arrange in advance to relinquish an assault weapon or large-capacity ammunition magazine to a law enforcement agency, as defined in s. 934.02, or the Department of Law Enforcement. The assault weapon or large-capacity ammunition magazine shall be transported in accordance with subsection (7).
 - (7) TRANSPORTATION.—
- (a) A licensed gun dealer who lawfully purchases for resale out of state an assault weapon or large-capacity magazine pursuant to subsection (2) may transport the assault weapon or large-capacity magazine between dealers or out of the state, but no person shall carry a loaded assault weapon concealed from public view or knowingly have in any motor vehicle owned, operated, or occupied by him a loaded assault weapon, or an

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unloaded assault weapon, unless such weapon is kept in the trunk of such vehicle or in a case or other container which is inaccessible to the operator of or any passenger in such vehicle. Any person who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any licensed gun dealer may display the assault weapon or large-capacity magazine at any gun show or sell it to a resident outside the state.

- (b) Any licensed gun dealer may transfer possession of any assault weapon or large-capacity ammunition magazine received pursuant to paragraph (a) to a gunsmith for purposes of accomplishing service or repair of the same. Transfers are permissible only to the following persons:
 - 1. A gunsmith who is in the dealer's employ; or
- 2. A gunsmith with whom the dealer has contracted for gunsmithing services, provided the gunsmith receiving the assault weapon holds a dealer's license issued pursuant to chapter 44 of Title 18 of the United States Code, 18 U.S.C. ss. 921 et seq., and the regulations issued pursuant thereto.
- (8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION

 NOT PROHIBITED.—This section does not prohibit any person, firm,
 or corporation engaged in the business of manufacturing assault
 weapons or large-capacity ammunition magazines in this state
 from manufacturing or transporting assault weapons or largecapacity ammunition magazines in this state for sale within this
 state in accordance with subparagraph (2)(c)1. or for sale
 outside this state.
- (9) EXCEPTION.—This section does not apply to any firearm modified to render it permanently inoperable.

34-01324-20 20201208 436 Section 2. Paragraph (a) of subsection (3) of section 437 775.087, Florida Statutes, is amended to read: 438 775.087 Possession or use of weapon; aggravated battery; 439 felony reclassification; minimum sentence.-440 (3)(a)1. Any person who is convicted of a felony or an 441 attempt to commit a felony, regardless of whether the use of a 442 firearm is an element of the felony, and the conviction was for: 443 a. Murder: b. Sexual battery; 444 445 c. Robbery; 446 d. Burglary; 447 e. Arson; 448 f. Aggravated battery; 449 q. Kidnapping; 450 h. Escape; 451 i. Sale, manufacture, delivery, or intent to sell, 452 manufacture, or deliver any controlled substance; 453 j. Aircraft piracy; 454 k. Aggravated child abuse; 455 1. Aggravated abuse of an elderly person or disabled adult; 456 m. Unlawful throwing, placing, or discharging of a 457 destructive device or bomb; 458 n. Carjacking; 459 o. Home-invasion robbery; 460 p. Aggravated stalking; or 461 q. Trafficking in cannabis, trafficking in cocaine, capital 462 importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, 463

capital importation of phencyclidine, trafficking in

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methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1);

and during the commission of the offense, such person possessed a semiautomatic firearm and its high-capacity detachable box magazine, an assault weapon or a large-capacity magazine as those terms are defined in s. 790.301, or a machine gun as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 15 years.

- 2. Any person who is convicted of a felony or an attempt to commit a felony listed in subparagraph (a)1., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a semiautomatic firearm and its high-capacity box magazine, an assault weapon or a large-capacity magazine as those terms are defined in s. 790.301, or a "machine gun" as defined in s. 790.001 shall be sentenced to a minimum term of imprisonment of 20 years.
- 3. Any person who is convicted of a felony or an attempt to commit a felony listed in subparagraph (a)1., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a semiautomatic firearm and its high-capacity box magazine, an assault weapon or a large-capacity magazine as those terms are defined in s. 790.301, or a "machine gun" as defined in s. 790.001 and, as the result of the discharge, death

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or great bodily harm was inflicted upon any person, the convicted person shall be sentenced to a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

Section 3. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 4. This act shall take effect October 1, 2020.