

By Senator Stewart

13-00285D-20

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1                   A bill to be entitled  
2       An act relating to assault weapons; creating s.  
3       790.30, F.S.; defining terms; prohibiting the  
4       importing into this state, or the distributing,  
5       transporting, transferring, selling, or giving within  
6       this state, of an assault weapon; providing criminal  
7       penalties; providing applicability; prohibiting the  
8       possession of an assault weapon; providing exceptions;  
9       providing criminal penalties; providing applicability;  
10      requiring certificates of possession for assault  
11      weapons lawfully possessed before a specified date;  
12      requiring the Department of Law Enforcement to adopt  
13      rules by a certain date; limiting transfers of assault  
14      weapons represented by certificates of possession;  
15      providing conditions for continued possession of such  
16      weapons; requiring certificates of transfer for  
17      transfers of assault weapons; requiring the department  
18      to maintain a file of all certificates of transfer;  
19      providing for relinquishment of assault weapons;  
20      specifying requirements for transportation of assault  
21      weapons; providing criminal penalties; specifying  
22      circumstances in which the manufacture or  
23      transportation of assault weapons is not prohibited;  
24      exempting permanently inoperable firearms from certain  
25      provisions; providing an effective date.

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

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29       Section 1. Section 790.30, Florida Statutes, is created to

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30 read:

31 790.30 Assault weapons.-

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

33 (a) "Assault weapon" means a selective-fire firearm capable  
34 of fully automatic, semiautomatic, or burst fire at the option  
35 of the user or any of the following specified semiautomatic  
36 firearms:

37 1. All AK series.

38 2. All AR series.

39 3. Sig Sauer MCX rifle.

40 (b) "Licensed gun dealer" means a person who has a federal  
41 firearms license.

42 (2) SALE OR TRANSFER.-

43 (a) A person may not import an assault weapon into this  
44 state or distribute, transport, transfer, sell, keep for sale,  
45 offer or expose for sale, or give an assault weapon within this  
46 state.

47 1. Except as provided in subparagraph 2., any person who  
48 violates this paragraph commits a felony of the third degree,  
49 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
50 with a mandatory minimum term of imprisonment of 2 years.

51 2. Any person who transfers, sells, or gives an assault  
52 weapon to a person under 21 years of age commits a felony of the  
53 second degree, punishable as provided in s. 775.082, s. 775.083,  
54 or s. 775.084, with a mandatory minimum term of imprisonment of  
55 6 years.

56 (b) Paragraph (a) does not apply to:

57 1. The sale of an assault weapon to the Department of Law  
58 Enforcement, a law enforcement agency as defined in s. 934.02,

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59 the Department of Corrections, or the Armed Forces of the United  
60 States or of this state for use in the discharge of their  
61 official duties.

62 2. A person who is the executor or administrator of an  
63 estate that includes an assault weapon for which a certificate  
64 of possession has been issued under subsection (4) and which is  
65 disposed of as authorized by the probate court, if the  
66 disposition is otherwise authorized under this section.

67 3. The transfer by bequest or intestate succession of an  
68 assault weapon for which a certificate of possession has been  
69 issued under subsection (4).

70 (3) POSSESSION.—

71 (a) Except as provided in subsection (5) or otherwise  
72 provided in this section or authorized by any other law, a  
73 person may not possess an assault weapon within this state. Any  
74 person who violates this paragraph commits a felony of the third  
75 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
76 775.084, with a mandatory minimum term of imprisonment of 1  
77 year.

78 (b) Paragraph (a) does not apply to:

79 1. The possession of an assault weapon by a sworn member or  
80 employee of the Department of Law Enforcement, a law enforcement  
81 agency as defined in s. 934.02, the Department of Corrections,  
82 or the Armed Forces of the United States or of this state for  
83 use in the discharge of his or her official duties, and this  
84 section does not prohibit the possession or use of an assault  
85 weapon by a sworn member of one of these agencies when on duty  
86 and the use is within the scope of his or her duties.

87 2. The possession of an assault weapon by any person before

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88 July 1, 2021, if that person:

89 a. Is eligible to apply for a certificate of possession for  
90 the assault weapon by July 1, 2021;

91 b. Lawfully possessed the assault weapon before October 1,  
92 2020; and

93 c. Is otherwise in compliance with this section and the  
94 applicable requirements of this chapter for possession of a  
95 firearm.

96 3. A person who is the executor or administrator of an  
97 estate that includes an assault weapon for which a certificate  
98 of possession has been issued under subsection (4), if the  
99 assault weapon is possessed at a place specified in subparagraph  
100 (4) (c)1. or as authorized by the probate court.

101 (4) CERTIFICATE OF POSSESSION.—

102 (a) Any person who lawfully possesses an assault weapon  
103 before October 1, 2020, shall apply to the Department of Law  
104 Enforcement by October 1, 2021, for a certificate of possession  
105 with respect to such an assault weapon, unless he or she is a  
106 member of the Armed Forces of the United States or of this state  
107 and cannot comply because he or she is or was on official duty  
108 outside this state, in which case he or she must apply within 90  
109 days after returning to this state. The certificate must contain  
110 a description of the assault weapon which identifies the assault  
111 weapon uniquely, including all identifying marks; the full name,  
112 address, date of birth, and thumbprint of the owner; and any  
113 other information as the department deems appropriate. The  
114 department shall adopt rules no later than January 1, 2021, to  
115 establish procedures with respect to the application for, and  
116 issuance of, certificates of possession under this section.

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117 (b)1. An assault weapon lawfully possessed in accordance  
118 with this section may not be sold or transferred on or after  
119 January 1, 2021, to any person within this state other than to a  
120 licensed gun dealer, as provided in subsection (5), or by a  
121 bequest or intestate succession.

122 2. A person who obtains ownership of an assault weapon for  
123 which a certificate of possession has been issued under this  
124 subsection shall, within 90 days after obtaining ownership,  
125 apply to the Department of Law Enforcement for a certificate of  
126 possession, render the assault weapon permanently inoperable,  
127 sell the assault weapon to a licensed gun dealer, or remove the  
128 assault weapon from this state.

129 3. A person who moves into this state and who is in lawful  
130 possession of an assault weapon shall, within 90 days, either  
131 render the assault weapon permanently inoperable, sell the  
132 assault weapon to a licensed gun dealer, or remove the assault  
133 weapon from this state, unless the person is a member of the  
134 Armed Forces of the United States or of this state, is in lawful  
135 possession of an assault weapon, and has been transferred to the  
136 state after October 1, 2021.

137 (c) A person who has been issued a certificate of  
138 possession for an assault weapon under this subsection may  
139 possess it only if the person is:

140 1. At the residence, the place of business, or any other  
141 property owned by that person, or on a property owned by another  
142 person with the owner's express permission;

143 2. On the premises of a target range of a public or private  
144 club or organization organized for the purpose of practicing  
145 shooting at targets;

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146 3. On a target range that holds a regulatory or business  
147 license for the purpose of practicing shooting at that target  
148 range;

149 4. On the premises of a licensed shooting club;

150 5. Attending an exhibition, display, or educational program  
151 on firearms which is sponsored by, conducted under the auspices  
152 of, or approved by a law enforcement agency or a nationally-  
153 recognized or state-recognized entity that fosters proficiency  
154 in, or promotes education about, firearms; or

155 6. Transporting the assault weapon between any of the  
156 places identified in this paragraph, or from or to any licensed  
157 gun dealer for servicing or repair pursuant to paragraph (7) (b),  
158 provided that the assault weapon is transported as required by  
159 subsection (7).

160 (5) CERTIFICATE OF TRANSFER.—If the owner of an assault  
161 weapon sells or transfers the weapon to a licensed gun dealer,  
162 the licensed gun dealer must, at the time of delivery of the  
163 weapon, execute a certificate of transfer and cause the  
164 certificate to be mailed or delivered to the Department of Law  
165 Enforcement. The certificate must contain all of the following:

166 (a) The date of sale or transfer.

167 (b) The names and addresses of the seller or transferor and  
168 the licensed gun dealer and their social security numbers or  
169 driver license numbers.

170 (c) The licensed gun dealer's federal firearms license  
171 number.

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

174 (e) Any other information required by the Department of Law

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175 Enforcement.

176  
177 The licensed gun dealer shall present his or her driver license  
178 or social security card and federal firearms license to the  
179 seller or transferor for inspection at the time of purchase or  
180 transfer. The Department of Law Enforcement shall maintain a  
181 file of all certificates of transfer at its headquarters.

182 (6) RELINQUISHMENT.—An individual may arrange in advance to  
183 relinquish an assault weapon to a law enforcement agency, as  
184 defined in s. 934.02, or the Department of Law Enforcement. The  
185 assault weapon must be transported in accordance with subsection  
186 (7).

187 (7) TRANSPORTATION.—

188 (a) A licensed gun dealer who lawfully purchases for resale  
189 an assault weapon pursuant to subsection (2) may transport the  
190 assault weapon between licensed gun dealers or out of this  
191 state, but a person may not carry a loaded assault weapon  
192 concealed from public view, or knowingly have in any motor  
193 vehicle owned, operated, or occupied by him or her a loaded or  
194 unloaded assault weapon, unless the weapon is kept in the trunk  
195 of the vehicle or in a case or other container that is  
196 inaccessible to the operator of or any passenger in the vehicle.  
197 Any person who violates this paragraph commits a misdemeanor of  
198 the second degree, punishable as provided in s. 775.082 or s.  
199 775.083. A licensed gun dealer may display the assault weapon at  
200 any gun show or sell it to a resident outside this state.

201 (b) A licensed gun dealer may transfer possession of any  
202 assault weapon received pursuant to paragraph (a) to a gunsmith  
203 for the purpose of service or repair if that gunsmith is:

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204       1. In the licensed gun dealer's employ; or  
205       2. Contracted by the licensed gun dealer for gunsmithing  
206 services, provided the gunsmith holds a dealer's license issued  
207 pursuant to chapter 44 of Title 18 of the United States Code, 18  
208 U.S.C. ss. 921 et seq., and the regulations issued pursuant  
209 thereto.

210       (8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION  
211 NOT PROHIBITED.—This section does not prohibit any person, firm,  
212 or corporation engaged in the business of manufacturing assault  
213 weapons in this state from manufacturing or transporting assault  
214 weapons in this state for sale within this state in accordance  
215 with subparagraph (2) (b) 1. or for sale outside this state.

216       (9) EXCEPTION.—This section does not apply to any firearm  
217 modified to render it permanently inoperable.

218       Section 2. This act shall take effect October 1, 2020.