

By Senator Stewart

13-00927A-20

2020794__

1 A bill to be entitled
2 An act relating to large-capacity magazines; creating
3 s. 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 large-capacity magazines; providing
7 criminal penalties; providing applicability;
8 prohibiting the possession of large-capacity
9 magazines; providing exceptions; providing criminal
10 penalties; providing applicability; requiring
11 certificates of possession for large-capacity
12 magazines lawfully possessed before a specified date;
13 requiring the Department of Law Enforcement to adopt
14 rules by a certain date; limiting transfers of large-
15 capacity magazines represented by certificates of
16 possession; providing conditions for continued
17 possession of such large-capacity magazines; requiring
18 certificates of transfer for transfers of large-
19 capacity magazines; requiring the department to
20 maintain a file of all certificates of transfer;
21 providing for relinquishment of large-capacity
22 magazines; specifying requirements for transportation
23 of large-capacity magazines; providing criminal
24 penalties; specifying circumstances in which the
25 manufacture or transportation of large-capacity
26 magazines is not prohibited; exempting permanently
27 inoperable large-capacity magazines; providing an
28 effective date.
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13-00927A-20

2020794__

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

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

34 790.30 Large-capacity magazines.-

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

36 (a) "Large-capacity magazine" means any ammunition feeding
37 device with the capacity to accept more than 10 rounds, or any
38 conversion kit, part, or combination of parts in the possession
39 of a person from which such a device can be assembled, but does
40 not include any of the following:

41 1. A feeding device that has been permanently altered so
42 that it cannot accommodate more than 10 rounds;

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

44 3. A tubular magazine that is contained in a lever-action
45 firearm.

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

48 (2) SALE OR TRANSFER.-

49 (a) A person may not import a large-capacity magazine into
50 this state or distribute, transport, transfer, sell, keep for
51 sale, offer or expose for sale, or give a large-capacity
52 magazine within this state.

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

57 2. Any person who transfers, sells, or gives a large-
58 capacity magazine to a person under 21 years of age commits a

13-00927A-20

2020794__

59 felony of the second degree, punishable as provided in s.
60 775.082, s. 775.083, or s. 775.084, with a mandatory minimum
61 term of imprisonment of 6 years.

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

63 1. The sale of a large-capacity magazine to the Department
64 of Law Enforcement, a law enforcement agency as defined in s.
65 934.02, the Department of Corrections, or the Armed Forces of
66 the United States or of this state for use in the discharge of
67 their official duties.

68 2. A person who is the executor or administrator of an
69 estate that includes a large-capacity magazine for which a
70 certificate of possession has been issued under subsection (4)
71 and which is disposed of as authorized by the probate court, if
72 the disposition is otherwise authorized under this section.

73 3. The transfer by bequest or intestate succession of a
74 large-capacity magazine for which a certificate of possession
75 has been issued under subsection (4).

76 (3) POSSESSION.—

77 (a) Except as provided in subsection (5) or otherwise
78 provided in this section or authorized by any other law, a
79 person may not possess a large-capacity magazine within this
80 state. Any person who violates this paragraph commits a felony
81 of the third degree, punishable as provided in s. 775.082, s.
82 775.083, or s. 775.084, with a mandatory minimum term of
83 imprisonment of 1 year.

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

85 1. The possession of a large-capacity magazine by a sworn
86 member or employee of the Department of Law Enforcement, a law
87 enforcement agency as defined in s. 934.02, the Department of

13-00927A-20

2020794__

88 Corrections, or the Armed Forces of the United States or of this
89 state for use in the discharge of his or her official duties,
90 and this section does not prohibit the possession or use of a
91 large-capacity magazine by a sworn member of one of these
92 agencies when on duty and the use is within the scope of his or
93 her duties.

94 2. The possession of a large-capacity magazine by any
95 person before July 1, 2021, if that person:

96 a. Is eligible to apply for a certificate of possession for
97 the large-capacity magazine by July 1, 2021;

98 b. Lawfully possessed the large-capacity magazine before
99 October 1, 2020; and

100 c. Is otherwise in compliance with this section and the
101 applicable requirements of this chapter for possession of a
102 firearm.

103 3. A person who is the executor or administrator of an
104 estate that includes a large-capacity magazine for which a
105 certificate of possession has been issued under subsection (4),
106 if the large-capacity magazine is possessed at a place specified
107 in subparagraph (4)(c)1. or as authorized by the probate court.

108 (4) CERTIFICATE OF POSSESSION.—

109 (a) Any person who lawfully possesses a large-capacity
110 magazine before October 1, 2020, shall apply to the Department
111 of Law Enforcement by October 1, 2021, for a certificate of
112 possession with respect to such large-capacity magazine, unless
113 he or she is a member of the Armed Forces of the United States
114 or of this state and cannot comply because he or she is or was
115 on official duty outside this state, in which case he or she
116 must apply within 90 days after returning to this state. The

13-00927A-20

2020794__

117 certificate must contain a description of the large-capacity
118 magazine which identifies the large-capacity magazine uniquely,
119 including all identifying marks; the full name, address, date of
120 birth, and thumbprint of the owner; and any other information as
121 the department deems appropriate. The department shall adopt
122 rules no later than January 1, 2021, to establish procedures
123 with respect to the application for, and issuance of,
124 certificates of possession under this section.

125 (b)1. A large-capacity magazine lawfully possessed in
126 accordance with this section may not be sold or transferred on
127 or after January 1, 2021, to any person within this state other
128 than to a licensed gun dealer, as provided in subsection (5), or
129 by a bequest or intestate succession.

130 2. A person who obtains ownership of a large-capacity
131 magazine for which a certificate of possession has been issued
132 under this subsection shall apply, within 90 days after
133 obtaining ownership, to the Department of Law Enforcement for a
134 certificate of possession, render the large-capacity magazine
135 permanently inoperable, sell the large-capacity magazine to a
136 licensed gun dealer, or remove the large-capacity magazine from
137 this state.

138 3. A person who moves into this state and who is in lawful
139 possession of a large-capacity magazine shall, within 90 days,
140 either render the large-capacity magazine permanently
141 inoperable, sell the large-capacity magazine to a licensed gun
142 dealer, or remove the large-capacity magazine from this state,
143 unless the person is a member of the Armed Forces of the United
144 States or of this state, is in lawful possession of a large-
145 capacity magazine, and has been transferred to the state after

13-00927A-20

2020794__

146 October 1, 2021.

147 (c) A person who has been issued a certificate of
148 possession for a large-capacity magazine under this subsection
149 may possess it only if the person is:

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

153 2. On the premises of a target range of a public or private
154 club or organization organized for the purpose of practicing
155 shooting at targets;

156 3. On a target range that holds a regulatory or business
157 license for the purpose of practicing shooting at that target
158 range;

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

160 5. Attending an exhibition, display, or educational program
161 on firearms which is sponsored by, conducted under the auspices
162 of, or approved by a law enforcement agency or a nationally or
163 state-recognized entity that fosters proficiency in, or promotes
164 education about, firearms; or

165 6. Transporting the large-capacity magazine between any of
166 the places identified in this paragraph, or from or to any
167 licensed gun dealer for servicing or repair pursuant to
168 paragraph (7) (b), provided that the large-capacity magazine is
169 transported as required by subsection (7).

170 (5) CERTIFICATE OF TRANSFER.—If the owner of a large-
171 capacity magazine sells or transfers the magazine to a licensed
172 gun dealer, the licensed gun dealer must, at the time of
173 delivery of the magazine, execute a certificate of transfer and
174 cause the certificate to be mailed or delivered to the

13-00927A-20

2020794__

175 Department of Law Enforcement. The certificate must contain all
176 of the following:

177 (a) The date of sale or transfer.

178 (b) The names and addresses of the seller or transferor and
179 the licensed gun dealer and their social security numbers or
180 driver license numbers.

181 (c) The licensed gun dealer's federal firearms license
182 number.

183 (d) A description of the magazine.

184 (e) Any other information required by the Department of Law
185 Enforcement.

186
187 The licensed gun dealer shall present his or her driver license
188 or social security card and federal firearms license to the
189 seller or transferor for inspection at the time of purchase or
190 transfer. The Department of Law Enforcement shall maintain a
191 file of all certificates of transfer at its headquarters.

192 (6) RELINQUISHMENT.—An individual may arrange in advance to
193 relinquish a large-capacity magazine to a law enforcement
194 agency, as defined in s. 934.02, or the Department of Law
195 Enforcement. The large-capacity magazine must be transported in
196 accordance with subsection (7).

197 (7) TRANSPORTATION.—

198 (a) A licensed gun dealer who lawfully purchases for resale
199 a large-capacity magazine pursuant to subsection (2) may
200 transport the large-capacity magazine between licensed gun
201 dealers or out of this state, but a person may not carry a
202 loaded large-capacity magazine concealed from public view,
203 unless the magazine is kept in the trunk of the vehicle or in a

13-00927A-20

2020794__

204 case or other container that is inaccessible to the operator of
205 or any passenger in the vehicle. Any person who violates this
206 paragraph commits a misdemeanor of the second degree, punishable
207 as provided in s. 775.082 or s. 775.083. A licensed gun dealer
208 may display the large-capacity magazine at any gun show or sell
209 it to a resident outside this state.

210 (b) A licensed gun dealer may transfer possession of any
211 large-capacity magazine received pursuant to paragraph (a) to a
212 gunsmith for the purpose of service or repair if that gunsmith
213 is:

214 1. In the licensed gun dealer's employ; or

215 2. Contracted by the licensed gun dealer for gunsmithing
216 services, provided the gunsmith holds a dealer's license issued
217 pursuant to chapter 44 of Title 18 of the United States Code, 18
218 U.S.C. ss. 921 et seq., and the regulations issued pursuant
219 thereto.

220 (8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION
221 NOT PROHIBITED.—This section does not prohibit any person, firm,
222 or corporation engaged in the business of manufacturing large-
223 capacity magazines in this state from manufacturing or
224 transporting large-capacity magazines in this state for sale
225 within this state in accordance with subparagraph (2) (b) 1. or
226 for sale outside this state.

227 (9) EXCEPTION.—This section does not apply to any large-
228 capacity magazine modified to render it permanently inoperable.

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