

By Senator Stewart

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1 A bill to be entitled
2 An act relating to gun safety; creating s. 790.30,
3 F.S.; defining terms; prohibiting the import into this
4 state, or the distribution, transport, transfer, sale,
5 keeping for sale, offering or exposing for sale, or
6 giving within this state, of assault weapons or large-
7 capacity magazines; providing criminal penalties;
8 providing applicability; prohibiting the possession of
9 assault weapons or large-capacity magazines; providing
10 exceptions; providing criminal penalties; providing
11 applicability; requiring certificates of possession
12 for assault weapons or large-capacity magazines
13 lawfully possessed before a specified date; requiring
14 the Department of Law Enforcement to adopt rules by a
15 certain date; limiting sales and transfers of assault
16 weapons or large-capacity magazines represented by
17 certificates of possession; providing conditions for
18 continued possession of such assault weapons or large-
19 capacity magazines; requiring certificates of transfer
20 for sales or transfers of assault weapons or large-
21 capacity magazines; requiring the department to
22 maintain a file of all certificates of transfer;
23 providing for the relinquishment of assault weapons or
24 large-capacity magazines; specifying requirements for
25 the transportation of assault weapons or large-
26 capacity magazines; providing criminal penalties;
27 specifying circumstances in which the manufacture or
28 transportation of assault weapons or large-capacity
29 magazines is not prohibited; exempting permanently

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30 inoperable assault weapons or large-capacity magazines
31 from regulation; providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

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

37 790.30 Assault weapons and large-capacity magazines.-

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

39 (a) "Assault weapon" means a selective-fire firearm capable
40 of fully automatic, semiautomatic, or burst fire at the option
41 of the user, or any of the following specified semiautomatic
42 firearms:

43 1. All AK series.

44 2. All AR series.

45 3. Sig Sauer MCX rifle.

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

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

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

54 3. A tubular magazine that is contained in a lever-action
55 firearm.

56 (c) "Licensed gun dealer" means a person who has a federal
57 firearms license.

58 (2) SALE OR TRANSFER.-

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59 (a) A person may not import an assault weapon or a large-
60 capacity magazine into this state or distribute, transport,
61 transfer, sell, keep for sale, offer or expose for sale, or give
62 an assault weapon or a large-capacity magazine within this
63 state.

64 1. Except as provided in subparagraph 2., a person who
65 violates this paragraph commits a felony of the third degree,
66 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
67 with a mandatory minimum term of imprisonment of 2 years.

68 2. A person who transfers, sells, or gives an assault
69 weapon or a large-capacity magazine to a person younger than 21
70 years of age commits a felony of the second degree, punishable
71 as provided in s. 775.082, s. 775.083, or s. 775.084, with a
72 mandatory minimum term of imprisonment of 6 years.

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

74 1. The sale of an assault weapon or a large-capacity
75 magazine to the Department of Law Enforcement, a law enforcement
76 agency as defined in s. 934.02, the Department of Corrections,
77 or the Armed Forces of the United States or of this state for
78 use in the discharge of their official duties.

79 2. A person who is the executor or administrator of an
80 estate that includes an assault weapon or a large-capacity
81 magazine for which a certificate of possession has been issued
82 under subsection (4) and which is disposed of as authorized by
83 the probate court, if the disposition is otherwise authorized
84 under this section.

85 3. The transfer by bequest or intestate succession of an
86 assault weapon or a large-capacity magazine for which a
87 certificate of possession has been issued under subsection (4).

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88 (3) POSSESSION.—

89 (a) Except as provided in subsection (5) or otherwise
90 provided in this section or authorized by any other law, a
91 person may not possess an assault weapon or a large-capacity
92 magazine within this state. A person who violates this paragraph
93 commits a felony of the third degree, punishable as provided in
94 s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum
95 term of imprisonment of 1 year.

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

97 1. The possession of an assault weapon or a large-capacity
98 magazine by a sworn member or employee of the Department of Law
99 Enforcement, a law enforcement agency as defined in s. 934.02,
100 the Department of Corrections, or the Armed Forces of the United
101 States or of this state for use in the discharge of his or her
102 official duties, and this subsection does not prohibit the
103 possession or use of an assault weapon or a large-capacity
104 magazine by a sworn member of one of these agencies when on duty
105 and the use is within the scope of his or her duties.

106 2. The possession of an assault weapon or a large-capacity
107 magazine by any person before July 1, 2022, if that person:

108 a. Is eligible to apply for a certificate of possession for
109 the assault weapon or large-capacity magazine by July 1, 2022;

110 b. Lawfully possessed the assault weapon or large-capacity
111 magazine before October 1, 2021; and

112 c. Is otherwise in compliance with this section and the
113 applicable requirements of this chapter for possession of a
114 firearm.

115 3. A person who is the executor or administrator of an
116 estate that includes an assault weapon or a large-capacity

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117 magazine for which a certificate of possession has been issued
118 under subsection (4), if the assault weapon or large-capacity
119 magazine is possessed at a place specified in subparagraph
120 (4) (c)1. or as authorized by the probate court.

121 (4) CERTIFICATE OF POSSESSION.—

122 (a) A person who lawfully possesses an assault weapon or a
123 large-capacity magazine before October 1, 2021, shall apply to
124 the Department of Law Enforcement by October 1, 2022, for a
125 certificate of possession with respect to such assault weapon or
126 large-capacity magazine, unless he or she is a member of the
127 Armed Forces of the United States or of this state and cannot
128 comply because he or she is or was on official duty outside this
129 state, in which case he or she must apply within 90 days after
130 returning to this state. The applicant shall provide a
131 description of the assault weapon or large-capacity magazine
132 which identifies the assault weapon or large-capacity magazine
133 uniquely, including all identifying marks; the applicant's full
134 name, address, date of birth, and thumbprint; and any other
135 information that the department deems appropriate. The
136 department shall adopt rules no later than January 1, 2022, to
137 establish procedures with respect to the application for, and
138 issuance of, certificates of possession under this section.

139 (b)1. An assault weapon or a large-capacity magazine
140 lawfully possessed in accordance with this section may not be
141 sold or transferred on or after January 1, 2022, to any person
142 within this state other than a licensed gun dealer, as provided
143 in subsection (5), or by a bequest or an intestate succession.

144 2. Within 90 days after obtaining ownership, a person who
145 obtains ownership of an assault weapon or a large-capacity

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146 magazine for which a certificate of possession has been issued
147 under this subsection shall apply to the Department of Law
148 Enforcement for a certificate of possession, render the assault
149 weapon or large-capacity magazine permanently inoperable, sell
150 the assault weapon or large-capacity magazine to a licensed gun
151 dealer, relinquish the assault weapon or large-capacity magazine
152 in accordance with subsection (6), or remove the assault weapon
153 or large-capacity magazine from this state.

154 3. Within 90 days after moving into this state, a person
155 who moves into this state who is in lawful possession of an
156 assault weapon or a large-capacity magazine shall render the
157 assault weapon or large-capacity magazine permanently
158 inoperable, sell the assault weapon or large-capacity magazine
159 to a licensed gun dealer, relinquish the assault weapon or
160 large-capacity magazine in accordance with subsection (6), or
161 remove the assault weapon or large-capacity magazine from this
162 state. This subparagraph does not apply to a person who is a
163 member of the Armed Forces of the United States or of this
164 state, is in lawful possession of an assault weapon or a large-
165 capacity magazine, and has been transferred to this state after
166 October 1, 2022.

167 (c) A person who has been issued a certificate of
168 possession for an assault weapon or a large-capacity magazine
169 under this subsection may possess the assault weapon or large-
170 capacity magazine only if he or she is:

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

174 2. On the premises of a target range of a public or private

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175 club or organization organized for the purpose of practicing
176 shooting at targets;

177 3. On a target range that holds a regulatory or business
178 license for the purpose of practicing shooting at that target
179 range;

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

181 5. Attending an exhibition, a display, or an educational
182 program on firearms which is sponsored by, conducted under the
183 auspices of, or approved by a law enforcement agency or a
184 nationally recognized or state-recognized entity that fosters
185 proficiency in, or promotes education about, firearms; or

186 6. Transporting the assault weapon or large-capacity
187 magazine between any of the places identified in this paragraph,
188 or from or to any licensed gun dealer for servicing or repair
189 pursuant to paragraph (7) (b), provided that the assault weapon
190 or large-capacity magazine is transported as required by
191 subsection (7).

192 (5) CERTIFICATE OF TRANSFER.—If the owner of an assault
193 weapon or a large-capacity magazine sells or transfers the
194 assault weapon or large-capacity magazine to a licensed gun
195 dealer, the licensed gun dealer must, at the time of delivery of
196 the assault weapon or large-capacity magazine, execute a
197 certificate of transfer and cause the certificate to be mailed
198 or delivered to the Department of Law Enforcement. The
199 certificate must contain all of the following:

200 (a) The date of sale or transfer.

201 (b) The names, addresses, and social security numbers or
202 driver license numbers of the seller or transferor and the
203 licensed gun dealer.

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204 (c) The licensed gun dealer's federal firearms license
205 number.

206 (d) A description of the assault weapon or large-capacity
207 magazine.

208 (e) Any other information required by the Department of Law
209 Enforcement.

210

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

216 (6) RELINQUISHMENT.—An individual may arrange in advance to
217 relinquish an assault weapon or a large-capacity magazine to a
218 law enforcement agency, as defined in s. 934.02, or the
219 Department of Law Enforcement. The assault weapon or large-
220 capacity magazine must be transported in accordance with
221 subsection (7).

222 (7) TRANSPORT.—

223 (a) A licensed gun dealer who lawfully purchases for resale
224 an assault weapon or a large-capacity magazine pursuant to
225 subsection (2) may transport the assault weapon or large-
226 capacity magazine between licensed gun dealers or out of this
227 state, but a person may not carry a loaded assault weapon or
228 large-capacity magazine concealed from public view unless the
229 assault weapon or large-capacity magazine is kept in the trunk
230 of the vehicle or in a case or other container that is
231 inaccessible to the operator of or any passenger in the vehicle.
232 A person who violates this paragraph commits a misdemeanor of

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233 the second degree, punishable as provided in s. 775.082 or s.
234 775.083. A licensed gun dealer may display the assault weapon or
235 large-capacity magazine at any gun show or sell it to a resident
236 outside this state.

237 (b) A licensed gun dealer may transfer possession of any
238 assault weapon or large-capacity magazine received pursuant to
239 paragraph (a) to a gunsmith for the purpose of service or repair
240 if that gunsmith is:

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

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

247 (8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORT NOT
248 PROHIBITED.—This section does not prohibit any person, firm, or
249 corporation engaged in the business of manufacturing assault
250 weapons or large-capacity magazines in this state from
251 manufacturing or transporting assault weapons or large-capacity
252 magazines in this state for sale within this state in accordance
253 with subparagraph (2)(b)1. or for sale outside this state.

254 (9) EXCEPTION.—This section does not apply to any assault
255 weapon or large-capacity magazine modified to render it
256 permanently inoperable.

257 Section 2. This act shall take effect October 1, 2021.