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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 a large-capacity magazine; providing exceptions; providing criminal penalties; prohibiting possession of an assault weapon or a large-capacity magazine; providing exceptions; providing criminal penalties; requiring certificates of possession for assault weapons or large-capacity magazines lawfully possessed before a specified date; providing requirements for the certificates; requiring the department to conduct a background investigation; requiring the Department of Law Enforcement to adopt rules; specifying the form of the certificates; limiting sales or transfers of assault weapons or large-capacity magazines documented by the certificates; providing applicability; providing conditions for continued possession of such weapons or large-capacity magazines; providing requirements for an applicant who fails to qualify for a certificate of possession; requiring certificates of transfer for transfers of certain assault weapons or large-capacity magazines; providing requirements for certificates of transfer; requiring the Department of Law Enforcement

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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 under certain circumstances; 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 certain provisions; amending s. 775.087, F.S.; providing enhanced criminal penalties for certain offenses when committed with an assault weapon or a large-capacity magazine; providing for 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

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a. All AK series, including, but not limited to, the

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semiautomatic firearms:

51	following: AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90,
52	NHM91, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47,
53	and Vector Arms AK-47.
54	b. All AR series, including, but not limited to, the
55	following: AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and
56	M15, Olympic Arms, AR70, DPMS Tactical Rifles, Smith & Wesson
57	M&P15 Rifles, Colt AR-15, Rock River Arms LAR-15, and DoubleStar
58	AR rifles.
59	c. Algimec AGM1.
60	d. Barrett 82A1 and REC7.
61	e. Beretta AR-70 and Beretta Storm.
62	f. Bushmaster Auto Rifle.
63	g. Calico Liberty series.
64	h. Chartered Industries of Singapore SR-88.
65	i. Colt Sporter.
66	j. Daewoo K-1, K-2, Max-1, and Max-2.
67	k. FAMAS MAS 223.
68	1. Federal XC-900 and SC-450.
69	m. Fabrique National FN/FAL, FN/LAR, and FNC.
70	n. FNH PS90, SCAR, and FS2000.
71	o. Goncz High Tech Carbine.
72	p. Hi-Point Carbine.
73	q. HK-91, HK-93, HK-94, SP-89, and HK-PSG-1.
74	r. Kel-Tec Sub-2000, SU series, RFB.
75	s. M1 Carbine.

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76
          t. SAR-8, SAR-4800, SR9.
77
          u. SIG 57 AMT and 500 Series.
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          v. SIG Sauer MCX Rifle.
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          w. SKS capable of accepting a detachable magazine.
80
          x. SLG 95.
              SLR 95 or 96.
81
          у.
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          z. Spectre Auto Carbine.
          aa. Springfield Armory BM59, SAR-48, and G-3.
83
84
          bb. Sterling MK-6 and MK-7.
85
          cc. Steyr AUG.
86
          dd. Sturm Ruger Mini-14 with folding stock.
          ee. TNW M230, M2HB.
87
          ff. Thompson types, including Thompson T5.
88
89
          gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil
90
     Sniper Rifle (Galatz), and Vector Arms UZI.
91
          hh. Weaver Arms Nighthawk.
92
          2. All of the following handguns, copies, duplicates, or
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     altered facsimiles with the capability of any such weapon:
94
          a. AK-47 pistol and Mini AK-47 pistol.
95
          b. AR-15 pistol.
96
          c. Australian Automatic Arms SAP pistol.
97
          d. Bushmaster Auto Pistol.
98
          e. Calico Liberty series pistols.
99
          f. Encom MK-IV, MP-9, and MP-45.
100
          g. Feather AT-9 and Mini-AT.
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101
          h. Goncz High Tech Long pistol.
102
          i. Holmes MP-83.
103
          j. Iver Johnson Enforcer.
          k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
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     Velocity Arms VMA series.
106
          1. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.
107
          m. UZI pistol and Micro-UZI pistol.
108
          n. Colefire Magnum.
109
          o. Scarab Skorpion.
110
          p. Spectre Auto pistol.
111
          q. German Sport 522 PK.
112
          r. Chiappa Firearms Mfour-22.
113
          s. DSA SA58 PKP FAL.
114
          t. I.O. Inc. PPS-43C.
115
          u. Kel-Tec PLR-16 pistol.
116
          v. SIG Sauer P556 pistol.
117
          w. Thompson TA5 series pistols.
          x. Wilkinson "Linda" pistol.
118
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          3. All of the following shotguns, copies, duplicates, or
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     altered facsimiles with the capability of any such weapon:
          a. Armscor 30 BG.
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          b. Franchi SPAS-12 and Law-12.
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          c. Remington TAC-2 or TACB3 FS.
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          d. SPAS 12 and LAW 12.
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          e. Striker 12.
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126	f. Streetsweeper.
127	g. Saiga.
128	h. USAS-12.
129	i. Kel-Tec KSG.
130	4. A part or combination of parts which converts a firearm
131	into an assault weapon or any combination of parts from which an
132	assault weapon may be assembled if those parts are in the
133	possession or under the control of the same person.
134	5. Any semiautomatic firearm not listed in subparagraphs
135	14. which meets any of the following criteria:
136	a. A semiautomatic rifle that has an ability to accept a
137	detachable magazine and has one or more of the following:
138	(I) A folding or telescoping stock;
139	(II) A pistol grip, a thumbhole stock or Thordsen-type
140	grip or stock, or any other characteristic that can function as
141	a grip;
142	(III) A bayonet mount;
143	(IV) A flash suppressor or threaded barrel designed to
144	accommodate a flash suppressor;
145	(V) A grenade launcher; or
146	(VI) A shroud attached to the barrel, or that partially or
147	completely encircles the barrel, allowing the bearer to hold the
148	firearm with the nontrigger hand without being burned but
149	excludes a slide that encloses the barrel.
150	b. A semiautomatic pistol that has an ability to accept a

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151	detachable magazine and has one or more of the following:
152	(I) The capacity to accept a large-capacity magazine that
153	attaches to the pistol at any location outside of the pistol
154	grip;
155	(II) A threaded barrel capable of accepting a barrel
156	extender, flash suppressor, forward handgrip, or silencer;
157	(III) A slide that encloses the barrel and that permits
158	the shooter to hold the firearm with the nontrigger hand without
159	<pre>being burned;</pre>
160	(IV) A manufactured weight of 50 ounces or more when the
161	<pre>pistol is unloaded;</pre>
162	(V) A semiautomatic version of an automatic firearm;
163	(VI) Any feature capable of functioning as a protruding
164	grip that can be held by the nontrigger hand; or
165	(VII) A folding, telescoping, or thumbhole stock.
166	c. A semiautomatic shotgun that has one or more of the
167	<pre>following:</pre>
168	(I) A folding or telescoping stock;
169	(II) A pistol grip, a thumbhole stock or Thordsen-type
L70	grip or stock, or any other characteristic that can function as
171	a grip;
172	(III) A thumbhole stock;
173	(IV) A fixed magazine capacity in excess of 5 rounds; or
L74	(V) An ability to accept a detachable magazine.
175	d. Any semiautomatic pistol or any semiautomatic,

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

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- 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.
- "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.
- "Large-capacity magazine" means an ammunition feeding (d) 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.

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

(2) SALE OR TRANSFER.—

- (a) A person who, within this state, distributes, transports, or imports into this state, sells, keeps for sale, or offers or exposes for sale, or who gives an assault weapon or large-capacity magazine, in violation of this section, except as provided in paragraph (c), 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) A person who transfers, sells, or gives an assault weapon or large-capacity 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 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 a large-capacity magazine for which a certificate of possession has been issued

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226 under this section and 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 a large-capacity magazine for which a certificate of possession has been issued under subsection (4).
  - (3) POSSESSION.—

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- (a) A person who, within this state, possesses any assault weapon or large-capacity 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 magazines by members or employees of the Department of Law Enforcement, a law enforcement agency as defined in s. 934.02(10), 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 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 a large-capacity magazine by a person before

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251 July 1, 2023, 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 magazine by July 1, 2023;
- 2. The person lawfully possessed the assault weapon or large-capacity magazine before October 1, 2022; and
- 3. The person is otherwise in compliance with this section and the applicable requirements of this chapter for possession of a firearm.
- (d) Paragraph (a) does not apply to a person who is the executor or administrator of an estate that includes an assault weapon or a large-capacity 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) A person who lawfully possesses an assault weapon or a large-capacity magazine before October 1, 2022, shall apply by October 1, 2023, 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, 2023, because he or she is or was on official duty outside of this state, shall apply within 90 days after returning to this state to the Department of Law Enforcement, for a certificate of possession with respect to such assault weapon or large-capacity magazine. The certificate

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276	must contain a description of the assault weapon or large-
277	capacity magazine which identifies it uniquely, including all
278	identification marks; the full name, address, date of birth, and
279	thumbprint of the owner; and any other information as the
280	department may deem appropriate. The department shall adopt
281	rules no later than January 1, 2023, to establish procedures
282	with respect to the application for, and issuance of,
283	certificates of possession pursuant to this section. The
284	thumbprint of the applicant shall be taken by a law enforcement
285	agency or the Department of Law Enforcement together with any
286	personal identifying information required by federal law to
287	process fingerprints. Charges for thumbprint services under this
288	paragraph are not subject to the sales tax on fingerprint
289	services imposed in s. 212.05(1)(i). The Department of Law
290	Enforcement shall conduct a background investigation pursuant to
291	this subsection.
292	(b) A certificate of possession issued under this
293	subsection must be in substantially the following form:
294	CERTIFICATE OF POSSESSION OF ASSAULT WEAPON
295	Certificate Number:
296	Owner's name: (Last, First, Middle)
297	Address: (Number, Street, City or Town, State, Zip Code) NO
298	P.O. Boxes
299	Date of Birth:
300	Social Security Number (Optional, but will help prevent

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3 O T	misidentification):
302	Driver License Number and State:
303	Manufacturer: Importer: Serial Number: Model: Caliber: Unique
304	<pre>I.D./Markings:</pre>
305	Signature of Owner
306	Applicant's Right Thumbprint
307	(c)1. An assault weapon or a large-capacity magazine
808	possessed pursuant to this section may not be sold or
309	transferred on or after January 1, 2023, to a person within this
310	state other than to a licensed gun dealer, as provided in
311	subsection (5), or by a bequest or intestate succession.
312	2. A person who obtains title to an assault weapon or a
313	large-capacity magazine for which a certificate of possession
314	has been issued under this section by bequest or intestate
315	succession shall, within 90 days after obtaining title:
316	a. Apply to the Department of Law Enforcement for a
317	certificate of possession as provided in paragraph (a);
318	b. Render the assault weapon or large-capacity magazine
319	<pre>permanently inoperable;</pre>
320	c. Sell the weapon or large-capacity magazine to a
321	licensed gun dealer; or
322	d. Remove the weapon or large-capacity magazine from this
323	state.
324	3. A person who moves into this state in lawful possession
325	of an assault weapon or a large-capacity magazine shall, within

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326	90 days after arriving in the state:
327	a. Render the weapon or large-capacity magazine
328	permanently inoperable;
329	b. Sell the weapon or large-capacity magazine to a
330	licensed gun dealer; or
331	c. Remove the weapon or large-capacity magazine from this
332	state.
333	4. This paragraph does not apply to a person who is a
334	member of the military or naval forces of this state or of the
335	United States, is in lawful possession of an assault weapon or a
336	large-capacity magazine, and has been transferred into this
337	state after October 1, 2023.
338	(d) A person who has been issued a certificate of
339	possession for an assault weapon or a large-capacity magazine
340	under this section may possess it only under the following
341	<pre>conditions:</pre>
342	1. At that person's residence, place of business, or other
343	property owned by that person, or on property owned by another
344	person with the owner's express permission;
345	2. While on the premises of a target range of a public or
346	private club or organization organized for the purpose of
347	<pre>practicing shooting at targets;</pre>
348	3. While on a target range that holds a regulatory or
349	business license for the purpose of practicing shooting at that

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4. While on the premises of a licensed shooting club;

- 5. While attending any exhibition, display, or educational project that is about firearms and 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 magazine between any of the places specified 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 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 magazines in his or her possession as provided in subsection (6) within 10 days after issuance of the notice of qualification failure. Such an applicant who fails to make such an arrangement within the time specified in this paragraph is in violation of this section.
- (5) CERTIFICATE OF TRANSFER.—If an owner of an assault weapon or a large-capacity 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 mail or deliver the certificate to the Department

376	of Law Enforcement. The certificate shall contain:
377	(a) The date of sale or transfer.
378	(b) The name and address of the seller or transferor and
379	the licensed gun dealer and the social security number or driver
380	license number of each party.
381	(c) The licensed gun dealer's federal firearms license
382	number.
383	(d) A description of the weapon, including the caliber of
384	the weapon and its make, model, and serial number.
385	(e) Any other information the Department of Law
386	Enforcement prescribes.
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388	The licensed gun dealer shall present his or her driver license
389	or social security card and federal firearms license to the
390	seller or transferor for inspection at the time of purchase or
391	transfer. The Department of Law Enforcement shall maintain a
392	file of all certificates of transfer at its headquarters.
393	(6) RELINQUISHMENT.—An individual may arrange in advance
394	to relinquish an assault weapon or a large-capacity magazine to
395	a law enforcement agency as defined in s. 934.02 or to the
396	Department of Law Enforcement. The assault weapon or large-
397	capacity magazine shall be transported in accordance with
398	subsection (7).
399	(7) TRANSPORTATION.—
400	(a) A licensed gun dealer who lawfully purchases for
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resale out of state an assault weapon or a large-capacity magazine under subsection (2) may transport the assault weapon or large-capacity magazine between dealers or out of this state, but a person may not carry a loaded assault weapon concealed from public view or knowingly have in any motor vehicle owned, operated, or occupied by him or her a loaded assault weapon or a large-capacity magazine or an unloaded assault weapon or a large-capacity magazine, unless such weapon or large-capacity magazine is kept in the trunk of such vehicle or in a case or other container that is inaccessible to the operator of or any passenger in such vehicle. A 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 buyer outside this state.

- (b) A licensed gun dealer may transfer possession of an assault weapon or large-capacity magazine received pursuant to paragraph (a) to a gunsmith for purposes of accomplishing service or repair of the assault weapon or large-capacity magazine. 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

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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 magazines in this state from
manufacturing or transporting assault weapons or large-capacity
magazines in this state for sale within this state under
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.
Section 2. Paragraph (a) of subsection (3) of section
775.087, Florida Statutes, is amended to read:
775.087 Possession or use of weapon; aggravated battery;
felony reclassification; minimum sentence
(3)(a)1. Any person who is convicted of a felony or an
attempt to commit a felony, regardless of whether the use of a
firearm is an element of the felony, and the conviction was for:
a. Murder;
b. Sexual battery;
c. Robbery;
d. Burglary;
e. Arson;
f. Aggravated battery;

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451	h. Escape;
452	i. Sale, manufacture, delivery, or intent to sell,
453	manufacture, or deliver any controlled substance;
454	j. Aircraft piracy;
455	k. Aggravated child abuse;
456	l. Aggravated abuse of an elderly person or disabled
457	adult;
458	m. Unlawful throwing, placing, or discharging of a
459	destructive device or bomb;
460	n. Carjacking;
461	o. Home-invasion robbery;
462	p. Aggravated stalking; or
463	q. Trafficking in cannabis, trafficking in cocaine,
464	capital importation of cocaine, trafficking in illegal drugs,
465	capital importation of illegal drugs, trafficking in
466	phencyclidine, capital importation of phencyclidine, trafficking
467	in methaqualone, capital importation of methaqualone,
468	trafficking in amphetamine, capital importation of amphetamine,
469	trafficking in flunitrazepam, trafficking in gamma-
470	hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
471	trafficking in Phenethylamines, or other violation of s.
472	893.135(1);
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474	and during the commission of the offense, such person possessed
475	a semiautomatic firearm and its high-capacity detachable box

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magazine, an assault weapon or a large-capacity magazine as those terms are defined in s. 790.301(1), 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(1), 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(1), or a "machine gun" as defined in s. 790.001 and, as the result of the discharge, death 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.

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Section 4. This act shall take effect October 1, 2022.

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