

By Senator Berman

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1 A bill to be entitled
2 An act relating to assault weapons and large-capacity
3 magazines; creating s. 790.301, F.S.; defining terms;
4 prohibiting the sale or transfer of an assault weapon
5 or a large-capacity magazine; providing exceptions;
6 providing criminal penalties; prohibiting possession
7 of an assault weapon or a large-capacity magazine;
8 providing exceptions; providing criminal penalties;
9 requiring certificates of possession for assault
10 weapons or large-capacity magazines lawfully possessed
11 before a specified date; providing requirements for
12 the certificates; requiring the Department of Law
13 Enforcement to adopt rules by a specified date;
14 specifying the form of the certificates; limiting
15 sales or transfers of assault weapons or large-
16 capacity magazines documented by such certificates;
17 providing conditions for continued possession of such
18 weapons or large-capacity magazines; providing
19 requirements for an applicant who fails to qualify for
20 such a certificate; requiring certificates of transfer
21 for transfers of certain assault weapons or large-
22 capacity magazines; providing requirements for
23 certificates of transfer; requiring the department to
24 maintain a file of such certificates; providing for
25 relinquishment of assault weapons or large-capacity
26 magazines; providing requirements for transportation
27 of assault weapons or large-capacity magazines under
28 certain circumstances; providing criminal penalties;
29 specifying circumstances in which the manufacture or

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30 transportation of assault weapons or large-capacity
31 magazines is not prohibited; exempting permanently
32 inoperable firearms from certain provisions; amending
33 s. 775.087, F.S.; providing enhanced criminal
34 penalties for certain offenses when committed with an
35 assault weapon or a large-capacity magazine; providing
36 for severability; providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Section 790.301, Florida Statutes, is created to
41 read:

42 790.301 Assault weapons.—

43 (1) DEFINITIONS.—As used in this section, the term:

44 (a)1. "Assault weapon" means any selective-fire firearm
45 capable of fully automatic, semiautomatic, or burst fire at the
46 option of the user or any of the following specified
47 semiautomatic firearms:

48 a. All AK series, including, but not limited to, the
49 following: AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90,
50 NHM91, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47,
51 and Vector Arms AK-47.

52 b. All AR series, including, but not limited to, the
53 following: AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and
54 M15, Olympic Arms, AR70, DPMS Tactical Rifles, Smith & Wesson
55 M&P15 Rifles, Colt AR-15, Rock River Arms LAR-15, and DoubleStar
56 AR rifles.

57 c. Algimec AGM1.

58 d. Barrett 82A1 and REC7.

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

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- 88 Rifle (Galatz), or Vector Arms UZI.
- 89 hh. Weaver Arms Nighthawk.
- 90 2. All of the following handguns, or copies, duplicates, or
- 91 altered facsimiles with the capability of any such weapon:
- 92 a. AK-47 pistol and 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 l. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.
- 105 m. UZI pistol and 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.
- 112 t. I.O. Inc. PPS-43C.
- 113 u. Kel-Tec PLR-16 pistol.
- 114 v. SIG Sauer P556 pistol.
- 115 w. Thompson TA5 series pistols.
- 116 x. Wilkinson "Linda" pistol.

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117 3. All of the following shotguns, or copies, duplicates, or
118 altered facsimiles with the capability of any such weapon:

119 a. Armscor 30 BG.

120 b. Franchi SPAS-12 and Law-12.

121 c. Remington TAC-2 or TACB3 FS.

122 d. SPAS 12 or LAW 12.

123 e. Striker 12.

124 f. Streetsweeper.

125 g. Saiga.

126 h. USAS-12.

127 i. Kel-Tec KSG.

128 4. A part or combination of parts which converts a firearm
129 into an assault weapon, or any combination of parts from which
130 an assault weapon may be assembled if those parts are in the
131 possession or under the control of the same person.

132 5. Any semiautomatic firearm not listed in subparagraphs
133 1.-4. which meets any of the following criteria:

134 a. A semiautomatic rifle that has an ability to accept a
135 detachable magazine and has one or more of the following:

136 (I) A folding or telescoping stock;

137 (II) A pistol grip, a thumbhole stock or Thordsen-type grip
138 or stock, or any other characteristic that can function as a
139 grip;

140 (III) A bayonet mount;

141 (IV) A flash suppressor or threaded barrel designed to
142 accommodate a flash suppressor;

143 (V) A grenade launcher; or

144 (VI) A shroud attached to the barrel, or that partially or
145 completely encircles the barrel, allowing the bearer to hold the

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146 firearm with the non-trigger hand without being burned, but
147 excludes a slide that encloses the barrel.

148 b. A semiautomatic pistol that has an ability to accept a
149 detachable magazine and has one or more of the following:

150 (I) The capacity to accept a large-capacity magazine that
151 attaches to the pistol at any location outside of the pistol
152 grip;

153 (II) A threaded barrel capable of accepting a barrel
154 extender, flash suppressor, forward handgrip, or silencer;

155 (III) A slide that encloses the barrel and that permits the
156 shooter to hold the firearm with the non-trigger hand without
157 being burned;

158 (IV) A manufactured weight of 50 ounces or more when the
159 pistol is unloaded;

160 (V) A semiautomatic version of an automatic firearm;

161 (VI) Any feature capable of functioning as a protruding
162 grip that can be held by the non-trigger hand; or

163 (VII) A folding, telescoping, or thumbhole stock.

164 c. A semiautomatic shotgun that has one or more of the
165 following:

166 (I) A folding or telescoping stock;

167 (II) A pistol grip, a thumbhole stock or Thordsen-type grip
168 or stock, or any other characteristic that can function as a
169 grip;

170 (III) A thumbhole stock;

171 (IV) A fixed magazine capacity in excess of 5 rounds; or

172 (V) An ability to accept a detachable magazine.

173 d. Any semiautomatic pistol or any semiautomatic,
174 centerfire, or rimfire rifle with a fixed magazine that has the

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175 capacity to accept more than 10 rounds of ammunition.

176 e. A part or combination of parts designed or intended to
177 convert a firearm into an assault weapon, or any combination of
178 parts from which an assault weapon may be assembled if those
179 parts are in the possession or under the control of the same
180 person.

181 (b) "Detachable magazine" means an ammunition feeding
182 device that can be removed from a firearm without disassembly of
183 the firearm action.

184 (c) "Fixed magazine" means an ammunition feeding device
185 contained in, or permanently attached to, a firearm in such a
186 manner that the device cannot be removed without disassembly of
187 the firearm action.

188 (d) "Large-capacity magazine" means an ammunition feeding
189 device with the capacity to accept more than 10 rounds, or any
190 conversion kit, part, or combination of parts from which such a
191 device can be assembled if those parts are in the possession or
192 under the control of the same person, but does not include any
193 of the following:

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

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

197 3. A tubular magazine that is contained in a lever-action
198 firearm.

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

201 (2) SALE OR TRANSFER.—

202 (a) A person who, within this state, distributes,
203 transports, or imports into this state, who sells, keeps for

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204 sale, or offers or exposes for sale, or who gives an assault
205 weapon or a large-capacity magazine in violation of this
206 section, except as provided in paragraph (c), commits a felony
207 of the third degree, punishable as provided in s. 775.082, s.
208 775.083, or s. 775.084, with a mandatory minimum term of
209 imprisonment of 2 years.

210 (b) A person who transfers, sells, or gives an assault
211 weapon or a large-capacity magazine to a person under 18 years
212 of age in violation of this section commits a felony of the
213 second degree, punishable as provided in s. 775.082, s. 775.083,
214 or s. 775.084, with a mandatory minimum term of imprisonment of
215 6 years.

216 (c) Paragraph (a) does not apply to:

217 1. The sale of assault weapons or large-capacity magazines
218 to the Department of Law Enforcement, a law enforcement agency
219 as defined in s. 934.02, the Department of Corrections, or the
220 military or naval forces of this state or of the United States
221 for use in the discharge of their official duties.

222 2. A person who is the executor or administrator of an
223 estate that includes an assault weapon or a large-capacity
224 magazine for which a certificate of possession has been issued
225 under subsection (4) and which is disposed of as authorized by
226 the probate court, if the disposition is otherwise permitted
227 under this section.

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

231 (3) POSSESSION.—

232 (a) Except as provided in subsection (5), a person who,

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233 within this state, possesses any assault weapon or large-
234 capacity magazine, except as provided in this section or as
235 otherwise authorized by law, commits a felony of the third
236 degree, punishable as provided in s. 775.082, s. 775.083, or s.
237 775.084, with a mandatory minimum term of imprisonment of 1
238 year.

239 (b) Paragraph (a) does not apply to the possession of
240 assault weapons or large-capacity magazines by members or
241 employees of the Department of Law Enforcement, a law
242 enforcement agency as defined in s. 934.02, the Department of
243 Corrections, or the military or naval forces of this state or of
244 the United States for use in the discharge of their official
245 duties; and this section does not prohibit the possession or use
246 of assault weapons or large-capacity magazines by sworn members
247 of such agencies when on duty and when the use is within the
248 scope of their duties.

249 (c) Paragraph (a) does not apply to the possession of an
250 assault weapon or a large-capacity magazine by a person before
251 July 1, 2024, if all of the following are applicable:

252 1. The person is eligible to apply for a certificate of
253 possession under subsection (4) for the assault weapon or large-
254 capacity magazine by July 1, 2024;

255 2. The person lawfully possessed the assault weapon or
256 large-capacity magazine before October 1, 2023; and

257 3. The person is otherwise in compliance with this section
258 and the applicable requirements of this chapter for possession
259 of a firearm.

260 (d) Paragraph (a) does not apply to a person who is the
261 executor or administrator of an estate that includes an assault

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262 weapon or a large-capacity magazine for which a certificate of
263 possession has been issued under subsection (4), if the assault
264 weapon is possessed at a place set forth in subparagraph
265 (4) (d)1. or as authorized by the probate court.

266 (4) CERTIFICATE OF POSSESSION.—

267 (a) A person who lawfully possesses an assault weapon or a
268 large-capacity magazine before October 1, 2023, must apply by
269 October 1, 2024, or, if such person is a member of the military
270 or naval forces of this state or of the United States and is
271 unable to apply by October 1, 2024, because he or she is or was
272 on official duty outside of this state, must apply within 90
273 days after returning to this state, to the Department of Law
274 Enforcement for a certificate of possession with respect to such
275 assault weapon or large-capacity magazine. The certificate must
276 contain a description of the assault weapon or large-capacity
277 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, 2024, to establish procedures
282 with respect to the application for, and issuance of,
283 certificates of possession pursuant to this subsection. The
284 thumbprint of the applicant must 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

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291 this subsection.

292 (b) A certificate of possession issued under this
 293 subsection must be in substantially the following form:

294
 295 CERTIFICATE OF POSSESSION OF ASSAULT WEAPON

296 Certificate Number:

297 Owner's Name: (Last, First, Middle)

298 Address: (Number, Street, City or Town, State, Zip Code) NO
 299 P.O. Boxes

300 Date of Birth:

301 Social Security Number (Optional, but will help prevent
 302 misidentification):

303 Driver License Number and State:

304 Manufacturer:

305 Importer:

306 Serial Number:

307 Model:

308 Caliber:

309 Unique I.D./Markings:

310 Signature of Owner

311 Applicant's Right Thumbprint

312
 313 (c) An assault weapon or a large-capacity magazine
 314 possessed pursuant to this section may not be sold or
 315 transferred on or after January 1, 2024, to a person within this
 316 state other than to a licensed gun dealer, as provided in
 317 subsection (5), or by a bequest or intestate succession. A
 318 person who obtains title to an assault weapon or a large-
 319 capacity magazine for which a certificate of possession has been

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320 issued under this subsection by bequest or intestate succession
321 must, within 90 days after obtaining title, apply to the
322 Department of Law Enforcement for a certificate of possession as
323 provided in this subsection, render the assault weapon or large-
324 capacity magazine permanently inoperable, sell the weapon or
325 large-capacity magazine to a licensed gun dealer, or remove the
326 weapon or large-capacity magazine from this state. A person who
327 moves into this state in lawful possession of an assault weapon
328 or a large-capacity magazine must, within 90 days, either render
329 the weapon or large-capacity magazine permanently inoperable,
330 sell the weapon or large-capacity magazine to a licensed gun
331 dealer, or remove the weapon or large-capacity magazine from
332 this state. This paragraph does not apply to a person who is a
333 member of the military or naval forces of this state or of the
334 United States, is in lawful possession of an assault weapon or a
335 large-capacity magazine, and has been transferred into this
336 state after October 1, 2024.

337 (d) A person who has been issued a certificate of
338 possession for an assault weapon or a large-capacity magazine
339 under this subsection may possess it only under the following
340 conditions:

341 1. At that person's residence, place of business, or other
342 property owned by that person, or on property owned by another
343 person with the owner's express permission;

344 2. While on the premises of a target range of a public or
345 private club or organization organized for the purpose of
346 practicing shooting at targets;

347 3. While on a target range that holds a regulatory or
348 business license for the purpose of practicing shooting at that

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349 target range;

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

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

356 6. While transporting the assault weapon or large-capacity
357 magazine between any of the places mentioned in this subsection,
358 or to any licensed gun dealer for servicing or repair pursuant
359 to paragraph (7) (b), provided the assault weapon or large-
360 capacity magazine is transported as required by subsection (7).

361 (e) If an applicant for a certificate of possession under
362 this subsection fails to qualify for the certificate after the
363 investigation required under this subsection, the applicant must
364 arrange to relinquish all assault weapons or large-capacity
365 magazines in his or her possession as provided in subsection (7)
366 within 10 days after issuance of the notice of such failure.
367 Such an applicant who fails to make such an arrangement within
368 the time specified in this paragraph is thereafter in violation
369 of this section.

370 (5) CERTIFICATE OF TRANSFER.—If an owner of an assault
371 weapon or a large-capacity magazine sells or transfers the
372 weapon or magazine to a licensed gun dealer, the owner must, at
373 the time of delivery of the weapon, execute a certificate of
374 transfer and cause the certificate to be mailed or delivered to
375 the Department of Law Enforcement. The certificate must contain
376 all of the following:

377 (a) The date of sale or transfer.

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378 (b) The names and addresses of the seller or transferor and
379 the licensed gun dealer and their social security numbers or
380 driver license numbers.

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 Enforcement
386 prescribes.

387
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 to
394 relinquish an assault weapon or a large-capacity magazine to a
395 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 must be transported in accordance with
398 subsection (7).

399 (7) TRANSPORTATION.—

400 (a) A licensed gun dealer who lawfully purchases for resale
401 out of state an assault weapon or a large-capacity magazine
402 pursuant to subsection (2) may transport the assault weapon or
403 large-capacity magazine between dealers or out of this state,
404 but a person may not carry a loaded assault weapon concealed
405 from public view or knowingly have in any motor vehicle owned,
406 operated, or occupied by him or her a loaded assault weapon or

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407 an unloaded assault weapon, unless such weapon is kept in the
408 trunk of such vehicle or in a case or other container that is
409 inaccessible to the operator of or any passenger in such
410 vehicle. A person who violates this subsection commits a
411 misdemeanor of the second degree, punishable as provided in s.
412 775.082 or s. 775.083. Any licensed gun dealer may display the
413 assault weapon or large-capacity magazine at any gun show or
414 sell it to a buyer outside this state.

415 (b) Any licensed gun dealer may transfer possession of any
416 assault weapon or large-capacity magazine received pursuant to
417 paragraph (a) to a gunsmith for purposes of accomplishing
418 service or repair of the same. Transfers are permissible only to
419 the following persons:

420 1. A gunsmith who is in the dealer's employ; or
421 2. A gunsmith with whom the dealer has contracted for
422 gunsmithing services, provided the gunsmith receiving the
423 assault weapon holds a dealer's license issued pursuant to
424 chapter 44 of Title 18 of the United States Code, 18 U.S.C. ss.
425 921 et seq., and the regulations issued pursuant thereto.

426 (8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION
427 NOT PROHIBITED.—This section does not prohibit any person, firm,
428 or corporation engaged in the business of manufacturing assault
429 weapons or large-capacity magazines in this state from
430 manufacturing or transporting assault weapons or large-capacity
431 magazines in this state for sale within this state in accordance
432 with subparagraph (2)(c)1. or for sale outside this state.

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

435 Section 2. Paragraph (a) of subsection (3) of section

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436 775.087, Florida Statutes, is amended to read:

437 775.087 Possession or use of weapon; aggravated battery;
438 felony reclassification; minimum sentence.—

439 (3)(a)1. Any person who is convicted of a felony or an
440 attempt to commit a felony, regardless of whether the use of a
441 firearm is an element of the felony, and the conviction was for:

442 a. Murder;

443 b. Sexual battery;

444 c. Robbery;

445 d. Burglary;

446 e. Arson;

447 f. Aggravated battery;

448 g. Kidnapping;

449 h. Escape;

450 i. Sale, manufacture, delivery, or intent to sell,
451 manufacture, or deliver any controlled substance;

452 j. Aircraft piracy;

453 k. Aggravated child abuse;

454 l. Aggravated abuse of an elderly person or disabled adult;

455 m. Unlawful throwing, placing, or discharging of a
456 destructive device or bomb;

457 n. Carjacking;

458 o. Home-invasion robbery;

459 p. Aggravated stalking; or

460 q. Trafficking in cannabis, trafficking in cocaine, capital
461 importation of cocaine, trafficking in illegal drugs, capital
462 importation of illegal drugs, trafficking in phencyclidine,
463 capital importation of phencyclidine, trafficking in
464 methaqualone, capital importation of methaqualone, trafficking

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

469

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

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

485 3. Any person who is convicted of a felony or an attempt to
486 commit a felony listed in subparagraph (a)1., regardless of
487 whether the use of a weapon is an element of the felony, and
488 during the course of the commission of the felony such person
489 discharged a semiautomatic firearm and its high-capacity box
490 magazine, an assault weapon or a large-capacity magazine as
491 those terms are defined in s. 790.301, or a "machine gun" as
492 defined in s. 790.001 and, as the result of the discharge, death
493 or great bodily harm was inflicted upon any person, the

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494 convicted person shall be sentenced to a minimum term of
495 imprisonment of not less than 25 years and not more than a term
496 of imprisonment of life in prison.

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

503 Section 4. This act shall take effect October 1, 2023.