

1                   A bill to be entitled  
2           An act relating to assault weapons and high capacity  
3           magazines; creating s. 790.30, F.S.; providing  
4           definitions; prohibiting the sale or transfer of an  
5           assault weapon or large capacity ammunition magazine;  
6           providing exceptions; providing criminal penalties;  
7           prohibiting possession of an assault weapon or large-  
8           capacity magazine; providing exceptions; providing  
9           criminal penalties; requiring certificates of  
10          possession for assault weapons or large capacity  
11          ammunition magazines lawfully possessed before a  
12          specified date; limiting transfers of assault weapons  
13          or large capacity ammunition magazines represented by  
14          such certificates; providing conditions for continued  
15          possession of such weapons or large capacity  
16          ammunition magazines; requiring certificates of  
17          transfer for transfers of assault weapons or large  
18          capacity magazines; providing for relinquishment of  
19          assault weapons or large capacity magazines; providing  
20          requirements for transportation of assault weapons or  
21          large capacity magazines; providing criminal  
22          penalties; specifying circumstances in which the  
23          manufacture or transportation of assault weapons or  
24          large capacity magazines is not prohibited; exempting  
25          permanently inoperable firearms from provisions;

26 | amending s. 775.087, F.S.; providing enhanced criminal  
 27 | penalties for certain offenses when committed with an  
 28 | assault weapon or large capacity magazine; providing  
 29 | an effective date.

30 |

31 | Be It Enacted by the Legislature of the State of Florida:

32 |

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

35 | 790.30 Assault weapons.—

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

37 | (a)1. "Assault weapon" means any selective-fire firearm  
 38 | capable of fully automatic, semiautomatic or burst fire at the  
 39 | option of the user or any of the following specified  
 40 | semiautomatic firearms:

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

45 | b. All AR series, including, but not limited to, the  
 46 | following: AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and  
 47 | M15, Olympic Arms, AR70, DPMS Tactical Rifles, Smith & Wesson  
 48 | M&P15 Rifles, Colt AR-15, Rock River Arms LAR-15, and DoubleStar  
 49 | AR rifles.

50 | c. Algimec AGM1.

- 51 | d. Barrett 82A1 and REC7.
- 52 | e. Beretta AR-70 and Beretta Storm.
- 53 | f. Bushmaster Auto Rifle.
- 54 | g. Calico Liberty series.
- 55 | h. Chartered Industries of Singapore SR-88.
- 56 | i. Colt Sporter.
- 57 | j. Daewoo K-1, K-2, Max-1, and Max 2.
- 58 | k. FAMAS MAS 223.
- 59 | l. Federal XC-900 and SC-450.
- 60 | m. Fabrique National FN/FAL, FN/LAR, or FNC.
- 61 | n. FNH PS90, SCAR, and FS2000.
- 62 | o. Goncz High Tech Carbine.
- 63 | p. Hi-Point Carbine.
- 64 | q. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.
- 65 | r. Kel-Tec Sub-2000, SU series, RFB.
- 66 | s. M1 Carbine.
- 67 | t. SAR-8, SAR-4800, SR9;
- 68 | u. SIG 57 AMT and 500 Series.
- 69 | v. Sig Sauer MCX Rifle.
- 70 | w. SKS capable of accepting a detachable magazine.
- 71 | x. SLG 95.
- 72 | y. SLR 95 or 96.
- 73 | z. Spectre Auto Carbine.
- 74 | aa. Springfield Armory BM59, SAR-48, and G-3.
- 75 | bb. Sterling MK-6 and MK-7.

- 76 |       cc. Steyr AUG.
- 77 |       dd. Sturm Ruger Mini-14 with folding stock.
- 78 |       ee. TNW M230, M2HB.
- 79 |       ff. Thompson types, including Thompson T5.
- 80 |       gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil
- 81 | Sniper Rifle (Galatz), or Vector Arms UZI.
- 82 |       hh. Weaver Arms Nighthawk.
- 83 |       2. All of the following handguns, copies, duplicates, or
- 84 | altered facsimiles with the capability of any such weapon
- 85 | thereof:
- 86 |       a. AK-47 pistol, Mini AK-47 pistol.
- 87 |       b. AR-15 pistol.
- 88 |       c. Australian Automatic Arms SAP pistol.
- 89 |       d. Bushmaster Auto Pistol.
- 90 |       e. Calico Liberty series pistols.
- 91 |       f. Encom MK-IV, MP-9, and MP-45.
- 92 |       g. Feather AT-9 and Mini-AT.
- 93 |       h. Goncz High Tech Long pistol.
- 94 |       i. Holmes MP-83.
- 95 |       j. Iver Johnson Enforcer.
- 96 |       k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
- 97 | Velocity Arms VMA series.
- 98 |       l. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.
- 99 |       m. UZI pistol, Micro-UZI pistol.
- 100 |       n. Colefire Magnum.

- 101        o. Scarab Skorpion.
- 102        p. Spectre Auto pistol.
- 103        q. German Sport 522 PK.
- 104        r. Chiappa Firearms Mfour-22.
- 105        s. DSA SA58 PKP FAL.
- 106        t. I.O. Inc. PPS-43C.
- 107        u. Kel-Tec PLR-16 pistol.
- 108        v. Sig Sauer P556 pistol.
- 109        w. Thompson TA5 series pistols.
- 110        x. Wilkinson "Linda" pistol.
- 111        3. All of the following shotguns, copies, duplicates, or
- 112 altered facsimiles with the capability of any such weapon
- 113 thereof:
- 114        a. Armscor 30 BG.
- 115        b. Franchi SPAS-12 and Law-12.
- 116        c. Remington TAC-2 or TACB3 FS.
- 117        d. SPAS 12 or LAW 12.
- 118        e. Striker 12.
- 119        f. Streetsweeper.
- 120        g. Saiga.
- 121        h. USAS-12.
- 122        i. Kel-tec KSG.
- 123        4. A part or combination of parts that convert a firearm
- 124 into an assault weapon or any combination of parts from which an
- 125 assault weapon may be assembled if those parts are in the

126 | possession or under the control of the same person;  
127 |       5. Any semiautomatic firearm not listed in subparagraphs  
128 | 1.-4. that meets the following criteria:  
129 |       a. A semiautomatic rifle that has an ability to accept a  
130 | detachable magazine and has one or more of the following:  
131 |           (I) A folding or telescoping stock;  
132 |           (II) A pistol grip that protrudes conspicuously beneath  
133 | the action of the weapon or any feature functioning as a  
134 | protruding grip that can be held by the non-trigger hand or a  
135 | thumbhole stock;  
136 |           (III) A bayonet mount;  
137 |           (IV) A flash suppressor or threaded barrel designed to  
138 | accommodate a flash suppressor;  
139 |           (V) A grenade launcher;  
140 |           (VI) A shroud attached to the barrel, or that partially or  
141 | completely encircles the barrel allowing the bearer to hold the  
142 | firearm with the non-trigger hand without being burned, but  
143 | excluding a slide that encloses the barrel; or  
144 |       b. A semiautomatic pistol that has an ability to accept a  
145 | detachable magazine and has one or more of the following:  
146 |           (I) The capacity to accept an ammunition magazine that  
147 | attaches to the pistol at any location outside of the pistol  
148 | grip;  
149 |           (II) A threaded barrel capable of accepting a barrel  
150 | extender, flash suppressor, forward handgrip, or silencer;

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

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

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

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

159        (VII) A folding, telescoping, or thumbhole stock; or

160        c. A semiautomatic shotgun that has one or more of the  
161 following:

162            (I) A folding or telescoping stock;

163            (II) A pistol grip that protrudes conspicuously beneath  
164 the action of the weapon;

165            (III) A thumbhole stock;

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

167            (V) An ability to accept a detachable magazine; or

168        d. Any semiautomatic pistol or any semiautomatic,  
169 centerfire, or rimfire rifle with a fixed magazine that has the  
170 capacity to accept more than 10 rounds of ammunition; or

171        e. A part or combination of parts designed or intended to  
172 convert a firearm into an assault weapon or any combination of  
173 parts from which an assault weapon may be assembled if those  
174 parts are in the possession or under the control of the same  
175 person.

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

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

183 (d) "Large capacity magazine" means any ammunition feeding  
184 device with the capacity to accept more than 7 rounds, or any  
185 conversion kit, part, or combination of parts from which such a  
186 device can be assembled if those parts are in the possession or  
187 under the control of the same person, but does not include any  
188 of the following:

189 1. A feeding device that has been permanently altered so  
190 that it cannot accommodate more than 7 rounds;

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

192 3. A tubular magazine that is contained in a lever-action  
193 firearm.

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

196 (2) SALE OR TRANSFER.—

197 (a) Any person who, within this state, distributes,  
198 transports, or imports into the state, sells, keeps for sale, or  
199 offers or exposes for sale, or who gives any assault weapon or  
200 large capacity ammunition magazine, in violation of this



201 section, except as provided in paragraph (b), commits a felony  
202 of the third degree, punishable as provided in s. 775.082, s.  
203 775.083, or s. 775.084, with a mandatory minimum term of  
204 imprisonment of 2 years.

205 (b) Any person who transfers, sells, or gives any assault  
206 weapon or large capacity ammunition magazine to a person under  
207 18 years of age in violation of this section commits a felony of  
208 the second degree, punishable as provided in s. 775.082, s.  
209 775.083, or s. 775.084, with a mandatory minimum term of  
210 imprisonment of 6 years.

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

212 1. The sale of assault weapons or large capacity  
213 ammunition magazines to the Department of Law Enforcement, a law  
214 enforcement agency, as defined in s. 934.02, the Department of  
215 Corrections, or the military or naval forces of this state or of  
216 the United States for use in the discharge of their official  
217 duties.

218 2. A person who is the executor or administrator of an  
219 estate that includes an assault weapon or large capacity  
220 ammunition magazine for which a certificate of possession has  
221 been issued under this section which is disposed of as  
222 authorized by the probate court, if the disposition is otherwise  
223 permitted under this section.

224 3. The transfer by bequest or intestate succession of an  
225 assault weapon or large capacity ammunition magazine for which a

226 certificate of possession has been issued under subsection (4).

227 (3) POSSESSION.—

228 (a) Except as provided in subsection (5), any person who,  
229 within this state, possesses any assault weapon or large  
230 capacity ammunition magazine, except as provided in this section  
231 or as otherwise authorized by law, commits a felony of the third  
232 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
233 775.084, with a mandatory minimum term of imprisonment of 1  
234 year.

235 (b) Paragraph (a) does not apply to the possession of  
236 assault weapons or large capacity ammunition magazines by  
237 members or employees of the Department of Law Enforcement, a law  
238 enforcement agency, as defined in s. 934.02, the Department of  
239 Corrections, or the military or naval forces of this state or of  
240 the United States for use in the discharge of their official  
241 duties; nor does this section prohibit the possession or use of  
242 assault weapons or large capacity ammunition magazines by sworn  
243 members of these agencies when on duty and the use is within the  
244 scope of their duties.

245 (c) Paragraph (a) does not apply to the possession of an  
246 assault weapon or large capacity ammunition magazine by any  
247 person prior to July 1, 2018, if all of the following are  
248 applicable:

249 1. The person is eligible to apply for a certificate of  
250 possession for the assault weapon or large capacity ammunition

251 magazine by July 1, 2018;

252 2. The person lawfully possessed the assault weapon or  
253 large capacity ammunition magazine prior to October 1, 2017; and

254 3. The person is otherwise in compliance with this section  
255 and the applicable requirements of this chapter for possession  
256 of a firearm.

257 (d) Paragraph (a) does not apply to a person who is the  
258 executor or administrator of an estate that includes an assault  
259 weapon or large capacity ammunition magazine for which a  
260 certificate of possession has been issued under subsection (4),  
261 if the assault weapon is possessed at a place set forth in  
262 subparagraph (4)(c)1. or as authorized by the probate court.

263 (4) CERTIFICATE OF POSSESSION.—

264 (a) Any person who lawfully possesses an assault weapon or  
265 large capacity ammunition magazine prior to October 1, 2017,  
266 shall apply by October 1, 2018, or, if such person is a member  
267 of the military or naval forces of this state or of the United  
268 States and is unable to apply by October 1, 2018, because he or  
269 she is or was on official duty outside of this state, shall  
270 apply within 90 days of returning to the state to the Department  
271 of Law Enforcement, for a certificate of possession with respect  
272 to such assault weapon or large capacity ammunition magazine.  
273 The certificate shall contain a description of the assault  
274 weapon or large capacity ammunition magazine that identifies it  
275 uniquely, including all identification marks; the full name,

276 address, date of birth, and thumbprint of the owner; and any  
277 other information as the department may deem appropriate. The  
278 department shall adopt regulations no later than January 1,  
279 2018, to establish procedures with respect to the application  
280 for, and issuance of, certificates of possession pursuant to  
281 this section.

282 (b) An assault weapon or large capacity ammunition  
283 magazine possessed pursuant to this section may not be sold or  
284 transferred on or after January 1, 2018, to any person within  
285 this state other than to a licensed gun dealer, as provided in  
286 subsection (5), or by a bequest or intestate succession. A  
287 person who obtains title to an assault weapon or large capacity  
288 ammunition magazine for which a certificate of possession has  
289 been issued under this section by bequest or intestate  
290 succession shall, within 90 days of obtaining title, apply to  
291 the Department of Law Enforcement for a certificate of  
292 possession as provided in paragraph (a), render the weapon or  
293 large capacity ammunition magazine permanently inoperable, sell  
294 the weapon or large capacity ammunition magazine to a licensed  
295 gun dealer, or remove the weapon or large capacity ammunition  
296 magazine from the state. Any person who moves into the state in  
297 lawful possession of an assault weapon or large capacity  
298 ammunition magazine, shall, within 90 days, either render the  
299 weapon or large capacity ammunition magazine permanently  
300 inoperable, sell the weapon or large capacity ammunition

301 magazine to a licensed gun dealer or remove the weapon or large  
302 capacity ammunition magazine from this state, except any person  
303 who is a member of the military or naval forces of this state or  
304 of the United States, is in lawful possession of an assault  
305 weapon or large capacity ammunition magazine, and has been  
306 transferred into the state after October 1, 2018.

307 (c) A person who has been issued a certificate of  
308 possession for an assault weapon or large capacity ammunition  
309 magazine under this section may possess it only under the  
310 following conditions:

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

314 2. While on the premises of a target range of a public or  
315 private club or organization organized for the purpose of  
316 practicing shooting at targets;

317 3. While on a target range which holds a regulatory or  
318 business license for the purpose of practicing shooting at that  
319 target range;

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

321 5. While attending any exhibition, display, or educational  
322 project which is about firearms and which is sponsored by,  
323 conducted under the auspices of, or approved by a law  
324 enforcement agency or a nationally or state recognized entity  
325 that fosters proficiency in, or promotes education about,

326 firearms; or

327 6. While transporting the assault weapon or large capacity  
328 ammunition magazine between any of the places mentioned in this  
329 subsection, or to any licensed gun dealer for servicing or  
330 repair pursuant to paragraph (7) (b), provided the assault weapon  
331 or large capacity ammunition magazine is transported as required  
332 by subsection (7).

333 (5) CERTIFICATE OF TRANSFER.—If an owner of an assault  
334 weapon or large capacity ammunition magazine sells or transfers  
335 the weapon or magazine to a licensed gun dealer, he or she  
336 shall, at the time of delivery of the weapon, execute a  
337 certificate of transfer and cause the certificate to be mailed  
338 or delivered to the Department of Law Enforcement. The  
339 certificate shall contain:

340 (a) The date of sale or transfer.

341 (b) The name and address of the seller or transferor and  
342 the licensed gun dealer and their social security numbers or  
343 driver license numbers.

344 (c) The licensed gun dealer's federal firearms license  
345 number.

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

348 (e) Any other information the Department of Law  
349 Enforcement prescribes.

350

351 The licensed gun dealer shall present his or her driver license  
352 or social security card and federal firearms license to the  
353 seller or transferor for inspection at the time of purchase or  
354 transfer. The Department of Law Enforcement shall maintain a  
355 file of all certificates of transfer at its headquarters.

356 (6) RELINQUISHMENT.—An individual may arrange in advance  
357 to relinquish an assault weapon or large capacity ammunition  
358 magazine to a law enforcement agency, as defined in s. 934.02,  
359 or the Department of Law Enforcement. The assault weapon or  
360 large capacity ammunition magazine shall be transported in  
361 accordance with subsection (7).

362 (7) TRANSPORTATION.—

363 (a) A licensed gun dealer who lawfully purchases for  
364 resale out of state an assault weapon or large capacity magazine  
365 pursuant to subsection (2) may transport the assault weapon or  
366 large capacity magazine between dealers or out of the state, but  
367 no person shall carry a loaded assault weapon concealed from  
368 public view or knowingly have in any motor vehicle owned,  
369 operated, or occupied by him a loaded assault weapon, or an  
370 unloaded assault weapon, unless such weapon is kept in the trunk  
371 of such vehicle or in a case or other container which is  
372 inaccessible to the operator of or any passenger in such  
373 vehicle. Any person who violates this subsection commits a  
374 misdemeanor of the second degree, punishable as provided in s.  
375 775.082 or s. 775.083. Any licensed gun dealer may display the

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376 assault weapon or large capacity magazine at any gun show or  
377 sell it to a resident outside the state.

378 (b) Any licensed gun dealer may transfer possession of any  
379 assault weapon or large capacity ammunition magazine received  
380 pursuant to paragraph (a) to a gunsmith for purposes of  
381 accomplishing service or repair of the same. Transfers are  
382 permissible only to the following persons:

383 1. A gunsmith who is in the dealer's employ; or  
384 2. A gunsmith with whom the dealer has contracted for  
385 gunsmithing services, provided the gunsmith receiving the  
386 assault weapon holds a dealer's license issued pursuant to  
387 chapter 44 of Title 18 the Unites States Code, 18 U.S.C. ss. 921  
388 et seq., and the regulations issued pursuant thereto.

389 (8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION  
390 NOT PROHIBITED.—This section does not prohibit any person, firm,  
391 or corporation engaged in the business of manufacturing assault  
392 weapons or large capacity ammunition magazines in this state  
393 from manufacturing or transporting assault weapons or large  
394 capacity ammunition magazines in this state for sale within this  
395 state in accordance with subparagraph (2)(c)1. or for sale  
396 outside this state.

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

399 Section 2. Paragraph (a) of subsection (3) of section  
400 775.087, Florida Statutes, is amended to read:



401           775.087 Possession or use of weapon; aggravated battery;  
 402 felony reclassification; minimum sentence.—

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

- 406           a. Murder;
- 407           b. Sexual battery;
- 408           c. Robbery;
- 409           d. Burglary;
- 410           e. Arson;
- 411           f. Aggravated battery;
- 412           g. Kidnapping;
- 413           h. Escape;
- 414           i. Sale, manufacture, delivery, or intent to sell,  
 415 manufacture, or deliver any controlled substance;
- 416           j. Aircraft piracy;
- 417           k. Aggravated child abuse;
- 418           l. Aggravated abuse of an elderly person or disabled  
 419 adult;
- 420           m. Unlawful throwing, placing, or discharging of a  
 421 destructive device or bomb;
- 422           n. Carjacking;
- 423           o. Home-invasion robbery;
- 424           p. Aggravated stalking; or
- 425           q. Trafficking in cannabis, trafficking in cocaine,

426 capital importation of cocaine, trafficking in illegal drugs,  
427 capital importation of illegal drugs, trafficking in  
428 phencyclidine, capital importation of phencyclidine, trafficking  
429 in methaqualone, capital importation of methaqualone,  
430 trafficking in amphetamine, capital importation of amphetamine,  
431 trafficking in flunitrazepam, trafficking in gamma-  
432 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,  
433 trafficking in Phenethylamines, or other violation of s.  
434 893.135(1);

435  
436 and during the commission of the offense, such person possessed  
437 a semiautomatic firearm and its high-capacity detachable box  
438 magazine, an assault weapon or large capacity magazine as  
439 defined in s. 790.30, or a machine gun as defined in s. 790.001,  
440 shall be sentenced to a minimum term of imprisonment of 15  
441 years.

442 2. Any person who is convicted of a felony or an attempt  
443 to commit a felony listed in subparagraph (a)1., regardless of  
444 whether the use of a weapon is an element of the felony, and  
445 during the course of the commission of the felony such person  
446 discharged a semiautomatic firearm and its high-capacity box  
447 magazine, an assault weapon or large capacity magazine as  
448 defined in s. 790.30, or a "machine gun" as defined in s.  
449 790.001 shall be sentenced to a minimum term of imprisonment of  
450 20 years.

451           3. Any person who is convicted of a felony or an attempt  
452 to commit a felony listed in subparagraph (a)1., regardless of  
453 whether the use of a weapon is an element of the felony, and  
454 during the course of the commission of the felony such person  
455 discharged a semiautomatic firearm and its high-capacity box  
456 magazine, an assault weapon or large capacity magazine as  
457 defined in s. 790.30, or a "machine gun" as defined in s.  
458 790.001 and, as the result of the discharge, death or great  
459 bodily harm was inflicted upon any person, the convicted person  
460 shall be sentenced to a minimum term of imprisonment of not less  
461 than 25 years and not more than a term of imprisonment of life  
462 in prison.

463           Section 3. This act shall take effect October 1, 2017.