A bill to be entitled
An act relating to assault weapons and high capacity magazines; creating s. 790.30, F.S.; providing definitions; prohibiting the sale or transfer of an assault weapon or large capacity ammunition magazine; providing exceptions; providing criminal penalties; prohibiting possession of an assault weapon or large-capacity magazine; providing exceptions; providing criminal penalties; requiring certificates of possession for assault weapons or large capacity ammunition magazines lawfully possessed before a specified date; limiting transfers of assault weapons or large capacity ammunition magazines represented by such certificates; providing conditions for continued possession of such weapons or large capacity ammunition magazines; requiring certificates of transfer for transfers of assault weapons or large capacity magazines; providing for relinquishment of assault weapons or large capacity magazines; providing requirements for transportation of assault weapons or large capacity magazines; 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 provisions;
amending s. 775.087, F.S.; providing enhanced criminal penalties for certain offenses when committed with an assault weapon or large capacity magazine; providing an effective date.

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

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

790.30 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 semiautomatic firearms:
   a. All AK series, including, but not limited to, the following: AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90, NHM91, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47, and Vector Arms AK-47.
   b. All AR series, including, but not limited to, the following: AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and M15, Olympic Arms, AR70, DPMS Tactical Rifles, Smith & Wesson M&P15 Rifles, Colt AR-15, Rock River Arms LAR-15, and DoubleStar AR rifles.
   c. Algimec AGM1.
e. Beretta AR-70 and Beretta Storm.
f. Bushmaster Auto Rifle.
g. Calico Liberty series.
h. Chartered Industries of Singapore SR-88.
i. Colt Sporter.
j. Daewoo K-1, K-2, Max-1, and Max 2.
k. FAMAS MAS 223.
m. Fabrique National FN/FAL, FN/LAR, or FNC.
n. FNH PS90, SCAR, and FS2000.
o. Goncz High Tech Carbine.
p. Hi-Point Carbine.
q. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.
r. Kel-Tec Sub-2000, SU series, RFB.
s. M1 Carbine.
t. SAR-8, SAR-4800, SR9;
u. SIG 57 AMT and 500 Series.
v. Sig Sauer MCX Rifle.
w. SKS capable of accepting a detachable magazine.
x. SLG 95.
y. SLR 95 or 96.
z. Spectre Auto Carbine.
bb. Sterling MK-6 and MK-7.
cc. Steyr AUG.

dd. Sturm Ruger Mini-14 with folding stock.

ee. TNW M230, M2HB.

ff. Thompson types, including Thompson T5.

gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil Sniper Rifle (Galatz), or Vector Arms UZI.

hh. Weaver Arms Nighthawk.

2. All of the following handguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:

   a. AK-47 pistol, Mini AK-47 pistol.
   b. AR-15 pistol.
   c. Australian Automatic Arms SAP pistol.
   d. Bushmaster Auto Pistol.
   e. Calico Liberty series pistols.
   f. Encom MK-IV, MP-9, and MP-45.
   g. Feather AT-9 and Mini-AT.
   h. Goncz High Tech Long pistol.
   i. Holmes MP-83.
   j. Iver Johnson Enforcer.
   k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and Velocity Arms VMA series.
   l. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.
   m. UZI pistol, Micro-UZI pistol.
   n. Colefire Magnum.
3. All of the following shotguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:

   a. Armscor 30 BG.
   b. Franchi SPAS-12 and Law-12.
   c. Remington TAC-2 or TACB3 FS.
   d. SPAS 12 or LAW 12.
   e. Striker 12.
   f. Streetsweeper.
   g. Saiga.
   h. USAS-12.
   i. Kel-tec KSG.

4. A part or combination of parts that 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;

5. Any semiautomatic firearm not listed in subparagraphs 1.-4. that meets the following criteria:
   a. A semiautomatic rifle that has an ability to accept a detachable magazine and has one or more of the following:
      (I) A folding or telescoping stock;
      (II) A pistol grip that protrudes conspicuously beneath the action of the weapon or any feature functioning as a protruding grip that can be held by the non-trigger hand or a thumbhole stock;
      (III) A bayonet mount;
      (IV) A flash suppressor or threaded barrel designed to accommodate a flash suppressor;
      (V) A grenade launcher;
      (VI) A shroud attached to the barrel, or that partially or completely encircles the barrel allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel; or
   b. A semiautomatic pistol that has an ability to accept a detachable magazine and has one or more of the following:
      (I) The capacity to accept an ammunition magazine that attaches to the pistol at any location outside of the pistol grip;
      (II) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;
(III) A slide that encloses the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;
(IV) A manufactured weight of 50 ounces or more when the pistol is unloaded;
(V) A semiautomatic version of an automatic firearm;
(VI) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
(VII) A folding, telescoping, or thumbhole stock; or
   c. A semiautomatic shotgun that has one or more of the following:
      (I) A folding or telescoping stock;
      (II) A pistol grip that protrudes conspicuously beneath the action of the weapon;
      (III) A thumbhole stock;
      (IV) A fixed magazine capacity in excess of 5 rounds;
      (V) An ability to accept a detachable magazine; or
      d. Any semiautomatic pistol or any semiautomatic, centerfire, or rimfire rifle with a fixed magazine that has the capacity to accept more than 10 rounds of ammunition; or
      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.
(b) "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.

(d) "Large capacity magazine" means any ammunition feeding device with the capacity to accept more than 7 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 7 rounds;

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

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

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

(2) SALE OR TRANSFER.—

(a) Any person who, within this state, distributes, transports, or imports into the state, sells, keeps for sale, or offers or exposes for sale, or who gives any assault weapon or large capacity ammunition magazine, in violation of this
section, except as provided in paragraph (b), 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) Any person who transfers, sells, or gives any assault weapon or large capacity ammunition 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 ammunition 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 large capacity ammunition magazine for which a certificate of possession has been issued under this section 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 large capacity ammunition magazine for which a
(3) POSSESSION.—

(a) Except as provided in subsection (5), any person who, within this state, possesses any assault weapon or large capacity ammunition 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 ammunition magazines by members or employees of 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; nor does this section prohibit the possession or use of assault weapons or large capacity ammunition 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 large capacity ammunition magazine by any person prior to July 1, 2018, 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 ammunition
magazine by July 1, 2018;

2. The person lawfully possessed the assault weapon or large capacity ammunition magazine prior to October 1, 2017; 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 large capacity ammunition 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)(c)1. or as authorized by the probate court.

(4) CERTIFICATE OF POSSESSION.—

(a) Any person who lawfully possesses an assault weapon or large capacity ammunition magazine prior to October 1, 2017, shall apply by October 1, 2018, 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, 2018, because he or she is or was on official duty outside of this state, shall apply within 90 days of returning to the state to the Department of Law Enforcement, for a certificate of possession with respect to such assault weapon or large capacity ammunition magazine.

The certificate shall contain a description of the assault weapon or large capacity ammunition magazine that identifies it uniquely, including all identification marks; the full name,
address, date of birth, and thumbprint of the owner; and any other information as the department may deem appropriate. The department shall adopt regulations no later than January 1, 2018, to establish procedures with respect to the application for, and issuance of, certificates of possession pursuant to this section.

(b) An assault weapon or large capacity ammunition magazine possessed pursuant to this section may not be sold or transferred on or after January 1, 2018, to any person within this state other than to a licensed gun dealer, as provided in subsection (5), or by a bequest or intestate succession. A person who obtains title to an assault weapon or large capacity ammunition magazine for which a certificate of possession has been issued under this section by bequest or intestate succession shall, within 90 days of obtaining title, apply to the Department of Law Enforcement for a certificate of possession as provided in paragraph (a), render the weapon or large capacity ammunition magazine permanently inoperable, sell the weapon or large capacity ammunition magazine to a licensed gun dealer, or remove the weapon or large capacity ammunition magazine from the state. Any person who moves into the state in lawful possession of an assault weapon or large capacity ammunition magazine, shall, within 90 days, either render the weapon or large capacity ammunition magazine permanently inoperable, sell the weapon or large capacity ammunition magazine from the state.
magazine to a licensed gun dealer or remove the weapon or large
capacity ammunition magazine from this state, except any person
who is a member of the military or naval forces of this state or
of the United States, is in lawful possession of an assault
weapon or large capacity ammunition magazine, and has been
transferred into the state after October 1, 2018.

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

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

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

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

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

5. While attending any exhibition, display, or educational
project which is about firearms and which 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 ammunition magazine between any of the places mentioned 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 ammunition magazine is transported as required by subsection (7).

(5) CERTIFICATE OF TRANSFER.—If an owner of an assault weapon or large capacity ammunition 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 cause the certificate to be mailed or delivered to the Department of Law Enforcement. The certificate shall contain:

(a) The date of sale or transfer.

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

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

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

(e) Any other information the Department of Law Enforcement prescribes.
The licensed gun dealer shall present his or her driver license or social security card and federal firearms license to the seller or transferor for inspection at the time of purchase or transfer. The Department of Law Enforcement shall maintain a file of all certificates of transfer at its headquarters.

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

(7) TRANSPORTATION.—

(a) A licensed gun dealer who lawfully purchases for resale out of state an assault weapon or large capacity magazine pursuant to subsection (2) may transport the assault weapon or large capacity magazine between dealers or out of the state, but no person shall carry a loaded assault weapon concealed from public view or knowingly have in any motor vehicle owned, operated, or occupied by him a loaded assault weapon, or an unloaded assault weapon, unless such weapon is kept in the trunk of such vehicle or in a case or other container which is inaccessible to the operator of or any passenger in such vehicle. Any 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 resident outside the state.

    (b) Any licensed gun dealer may transfer possession of any assault weapon or large capacity ammunition magazine received pursuant to paragraph (a) to a gunsmith for purposes of accomplishing service or repair of the same. 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 chapter 44 of Title 18 the Unites 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 ammunition magazines in this state from manufacturing or transporting assault weapons or large capacity ammunition magazines in this state for sale within this state in accordance with 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;
g. Kidnapping;
h. Escape;
i. Sale, manufacture, delivery, or intent to sell, manufacture, or deliver any controlled substance;
j. Aircraft piracy;
k. Aggravated child abuse;
l. Aggravated abuse of an elderly person or disabled adult;
m. Unlawful throwing, placing, or discharging of a destructive device or bomb;
n. Carjacking;
o. Home-invasion robbery;
p. Aggravated stalking; or
q. Trafficking in cannabis, trafficking in cocaine,
capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1);

and during the commission of the offense, such person possessed a semiautomatic firearm and its high-capacity detachable box magazine, an assault weapon or large capacity magazine as defined in s. 790.30, 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 large capacity magazine as defined in s. 790.30, 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 large capacity magazine as defined in s. 790.30, 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. This act shall take effect October 1, 2017.