

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Smith offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 629 and 630, insert:

6 Section 11. Section 790.30, Florida Statutes, is created
7 to read:

8 790.30 Assault weapons.-

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

10 (a)1. "Assault weapon" means any selective-fire firearm
11 capable of fully automatic, semiautomatic or burst fire at the
12 option of the user or any of the following specified
13 semiautomatic firearms:

14 a. All AK series, including, but not limited to, the
15 following: AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90,

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16 NHM91, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47,
17 and Vector Arms AK-47.

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

23 c. Algimec AGM1.

24 d. Barrett 82A1 and REC7.

25 e. Beretta AR-70 and Beretta Storm.

26 f. Bushmaster Auto Rifle.

27 g. Calico Liberty series.

28 h. Chartered Industries of Singapore SR-88.

29 i. Colt Sporter.

30 j. Daewoo K-1, K-2, Max-1, and Max 2.

31 k. FAMAS MAS 223.

32 l. Federal XC-900 and SC-450.

33 m. Fabrique National FN/FAL, FN/LAR, or FNC.

34 n. FNH PS90, SCAR, and FS2000.

35 o. Goncz High Tech Carbine.

36 p. Hi-Point Carbine.

37 q. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.

38 r. Kel-Tec Sub-2000, SU series, RFB.

39 s. M1 Carbine.

40 t. SAR-8, SAR-4800, SR9;

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- 41 u. SIG 57 AMT and 500 Series.
- 42 v. Sig Sauer MCX Rifle.
- 43 w. SKS capable of accepting a detachable magazine.
- 44 x. SLG 95.
- 45 y. SLR 95 or 96.
- 46 z. Spectre Auto Carbine.
- 47 aa. Springfield Armory BM59, SAR-48, and G-3.
- 48 bb. Sterling MK-6 and MK-7.
- 49 cc. Steyr AUG.
- 50 dd. Sturm Ruger Mini-14 with folding stock.
- 51 ee. TNW M230, M2HB.
- 52 ff. Thompson types, including Thompson T5.
- 53 gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil
- 54 Sniper Rifle (Galatz), or Vector Arms UZI.
- 55 hh. Weaver Arms Nighthawk.
- 56 2. All of the following handguns, copies, duplicates, or
- 57 altered facsimiles with the capability of any such weapon
- 58 thereof:
- 59 a. AK-47 pistol, Mini AK-47 pistol.
- 60 b. AR-15 pistol.
- 61 c. Australian Automatic Arms SAP pistol.
- 62 d. Bushmaster Auto Pistol.
- 63 e. Calico Liberty series pistols.
- 64 f. Encom MK-IV, MP-9, and MP-45.
- 65 g. Feather AT-9 and Mini-AT.

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- 66 h. Goncz High Tech Long pistol.
- 67 i. Holmes MP-83.
- 68 j. Iver Johnson Enforcer.
- 69 k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
- 70 Velocity Arms VMA series.
- 71 l. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.
- 72 m. UZI pistol, Micro-UZI pistol.
- 73 n. Colefire Magnum.
- 74 o. Scarab Skorpion.
- 75 p. Spectre Auto pistol.
- 76 q. German Sport 522 PK.
- 77 r. Chiappa Firearms Mfour-22.
- 78 s. DSA SA58 PKP FAL.
- 79 t. I.O. Inc. PPS-43C.
- 80 u. Kel-Tec PLR-16 pistol.
- 81 v. Sig Sauer P556 pistol.
- 82 w. Thompson TA5 series pistols.
- 83 x. Wilkinson "Linda" pistol.
- 84 3. All of the following shotguns, copies, duplicates, or
- 85 altered facsimiles with the capability of any such weapon
- 86 thereof:
- 87 a. Armscor 30 BG.
- 88 b. Franchi SPAS-12 and Law-12.
- 89 c. Remington TAC-2 or TACB3 FS.
- 90 d. SPAS 12 or LAW 12.

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91 e. Striker 12.

92 f. Streetsweeper.

93 g. Saiga.

94 h. USAS-12.

95 i. Kel-tec KSG.

96 4. A part or combination of parts that convert a firearm
97 into an assault weapon or any combination of parts from which an
98 assault weapon may be assembled if those parts are in the
99 possession or under the control of the same person;

100 5. Any semiautomatic firearm not listed in subparagraphs
101 1.-4. that meets the following criteria:

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

104 (I) A folding or telescoping stock;

105 (II) A pistol grip that protrudes conspicuously beneath
106 the action of the weapon or any feature functioning as a
107 protruding grip that can be held by the non-trigger hand or a
108 thumbhole stock;

109 (III) A bayonet mount;

110 (IV) A flash suppressor or threaded barrel designed to
111 accommodate a flash suppressor;

112 (V) A grenade launcher;

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

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115 | firearm with the non-trigger hand without being burned, but
116 | excluding a slide that encloses the barrel; or
117 | b. A semiautomatic pistol that has an ability to accept a
118 | detachable magazine and has one or more of the following:
119 | (I) The capacity to accept an ammunition magazine that
120 | attaches to the pistol at any location outside of the pistol
121 | grip;
122 | (II) A threaded barrel capable of accepting a barrel
123 | extender, flash suppressor, forward handgrip, or silencer;
124 | (III) A slide that encloses the barrel and that permits
125 | the shooter to hold the firearm with the non-trigger hand
126 | without being burned;
127 | (IV) A manufactured weight of 50 ounces or more when the
128 | pistol is unloaded;
129 | (V) A semiautomatic version of an automatic firearm;
130 | (VI) Any feature capable of functioning as a protruding
131 | grip that can be held by the non-trigger hand;
132 | (VII) A folding, telescoping, or thumbhole stock; or
133 | c. A semiautomatic shotgun that has one or more of the
134 | following:
135 | (I) A folding or telescoping stock;
136 | (II) A pistol grip that protrudes conspicuously beneath
137 | the action of the weapon;
138 | (III) A thumbhole stock;
139 | (IV) A fixed magazine capacity in excess of 5 rounds;

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

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

144 e. A part or combination of parts designed or intended to
145 convert a firearm into an assault weapon or any combination of
146 parts from which an assault weapon may be assembled if those
147 parts are in the possession or under the control of the same
148 person.

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

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

156 (d) "Large-capacity magazine" means any ammunition feeding
157 device with the capacity to accept more than 7 rounds, or any
158 conversion kit, part, or combination of parts from which such a
159 device can be assembled if those parts are in the possession or
160 under the control of the same person, but does not include any
161 of the following:

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

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

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

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

169 (2) SALE OR TRANSFER.—

170 (a) Any person who, within this state, distributes,
171 transports, or imports into the state, sells, keeps for sale, or
172 offers or exposes for sale, or who gives any assault weapon or
173 large-capacity ammunition magazine, in violation of this
174 section, except as provided in paragraph (b), commits a felony
175 of the third degree, punishable as provided in s. 775.082, s.
176 775.083, or s. 775.084, with a mandatory minimum term of
177 imprisonment of 2 years.

178 (b) Any person who transfers, sells, or gives any assault
179 weapon or large-capacity ammunition magazine to a person under
180 18 years of age in violation of this section commits a felony of
181 the second degree, punishable as provided in s. 775.082, s.
182 775.083, or s. 775.084, with a mandatory minimum term of
183 imprisonment of 6 years.

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

185 1. The sale of assault weapons or large-capacity
186 ammunition magazines to the Department of Law Enforcement, a law
187 enforcement agency, as defined in s. 934.02, the Department of
188 Corrections, or the military or naval forces of this state or of

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189 the United States for use in the discharge of their official
190 duties.

191 2. A person who is the executor or administrator of an
192 estate that includes an assault weapon or large-capacity
193 ammunition magazine for which a certificate of possession has
194 been issued under this section which is disposed of as
195 authorized by the probate court, if the disposition is otherwise
196 permitted under this section.

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

200 (3) POSSESSION.—

201 (a) Except as provided in subsection (5), any person who,
202 within this state, possesses any assault weapon or large-
203 capacity ammunition magazine, except as provided in this section
204 or as otherwise authorized by law, commits a felony of the third
205 degree, punishable as provided in s. 775.082, s. 775.083, or s.
206 775.084, with a mandatory minimum term of imprisonment of 1
207 year.

208 (b) Paragraph (a) does not apply to the possession of
209 assault weapons or large-capacity ammunition magazines by
210 members or employees of the Department of Law Enforcement, a law
211 enforcement agency, as defined in s. 934.02, the Department of
212 Corrections, or the military or naval forces of this state or of
213 the United States for use in the discharge of their official

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214 duties; nor does this section prohibit the possession or use of
215 assault weapons or large-capacity ammunition magazines by sworn
216 members of these agencies when on duty and the use is within the
217 scope of their duties.

218 (c) Paragraph (a) does not apply to the possession of an
219 assault weapon or large-capacity ammunition magazine by any
220 person prior to July 1, 2019, if all of the following are
221 applicable:

222 1. The person is eligible to apply for a certificate of
223 possession for the assault weapon or large-capacity ammunition
224 magazine by July 1, 2019;

225 2. The person lawfully possessed the assault weapon or
226 large-capacity ammunition magazine prior to October 1, 2018; and

227 3. The person is otherwise in compliance with this section
228 and the applicable requirements of this chapter for possession
229 of a firearm.

230 (d) Paragraph (a) does not apply to a person who is the
231 executor or administrator of an estate that includes an assault
232 weapon or large-capacity ammunition magazine for which a
233 certificate of possession has been issued under subsection (4),
234 if the assault weapon is possessed at a place set forth in
235 subparagraph (4)(d)1. or as authorized by the probate court.

236 (4) CERTIFICATE OF POSSESSION.—

237 (a) Any person who lawfully possesses an assault weapon or
238 large-capacity ammunition magazine prior to October 1, 2018,

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239 shall apply by October 1, 2019, or, if such person is a member
240 of the military or naval forces of this state or of the United
241 States and is unable to apply by October 1, 2019, because he or
242 she is or was on official duty outside of this state, shall
243 apply within 90 days of returning to the state to the Department
244 of Law Enforcement, for a certificate of possession with respect
245 to such assault weapon or large-capacity ammunition magazine.
246 The certificate shall contain a description of the assault
247 weapon or large-capacity ammunition magazine that identifies it
248 uniquely, including all identification marks; the full name,
249 address, date of birth, and thumbprint of the owner; and any
250 other information as the department may deem appropriate. The
251 department shall adopt regulations no later than January 1,
252 2019, to establish procedures with respect to the application
253 for, and issuance of, certificates of possession pursuant to
254 this section. The thumbprint of the applicant shall be taken by
255 a law enforcement agency or the Department of Law Enforcement
256 together with any personal identifying information required by
257 federal law to process fingerprints. Charges for thumbprint
258 services under this paragraph are not subject to the sales tax
259 on fingerprint services imposed in s. 212.05(1)(i). The
260 Department of Law Enforcement shall conduct a background
261 investigation pursuant to this subsection.

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

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264 CERTIFICATE OF POSSESSION OF ASSAULT WEAPON
265 Certificate Number:
266 Owner's name: (Last, First, Middle)
267 Address: (Number, Street, City or Town, State, Zip Code) NO
268 P.O. Boxes
269 Date of Birth:
270 Social Security Number (Optional, but will help prevent
271 misidentification):
272 Driver License Number and State:
273 Manufacturer: Importer: Serial Number: Model: Caliber:
274 Unique I.D./Markings:
275 Signature of Owner
276 Applicant's Right Thumbprint
277 (c) An assault weapon or large-capacity ammunition
278 magazine possessed pursuant to this section may not be sold or
279 transferred on or after January 1, 2019, to any person within
280 this state other than to a licensed gun dealer, as provided in
281 subsection (5), or by a bequest or intestate succession. A
282 person who obtains title to an assault weapon or large-capacity
283 ammunition magazine for which a certificate of possession has
284 been issued under this section by bequest or intestate
285 succession shall, within 90 days of obtaining title, apply to
286 the Department of Law Enforcement for a certificate of
287 possession as provided in paragraph (a), render the weapon or
288 large-capacity ammunition magazine permanently inoperable, sell

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289 the weapon or large-capacity ammunition magazine to a licensed
290 gun dealer, or remove the weapon or large-capacity ammunition
291 magazine from the state. Any person who moves into the state in
292 lawful possession of an assault weapon or large-capacity
293 ammunition magazine, shall, within 90 days, either render the
294 weapon or large-capacity ammunition magazine permanently
295 inoperable, sell the weapon or large-capacity ammunition
296 magazine to a licensed gun dealer or remove the weapon or large-
297 capacity ammunition magazine from this state, except any person
298 who is a member of the military or naval forces of this state or
299 of the United States, is in lawful possession of an assault
300 weapon or large-capacity ammunition magazine, and has been
301 transferred into the state after October 1, 2019.

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

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

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

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

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

316 5. While attending any exhibition, display, or educational
317 project which is about firearms and which is sponsored by,
318 conducted under the auspices of, or approved by a law
319 enforcement agency or a nationally or state recognized entity
320 that fosters proficiency in, or promotes education about,
321 firearms; or

322 6. While transporting the assault weapon or large-capacity
323 ammunition magazine between any of the places mentioned in this
324 subsection, or to any licensed gun dealer for servicing or
325 repair pursuant to paragraph (7) (b), provided the assault weapon
326 or large-capacity ammunition magazine is transported as required
327 by subsection (7).

328 (e) If an applicant for a certificate of possession under
329 this subsection fails to qualify for such a certificate after
330 the investigation required under this subsection, the applicant
331 shall arrange to relinquish all assault weapon or large-capacity
332 ammunition magazines in his or her possession as provided in
333 subsection (7) within 10 days of issuance of the notice of such
334 failure. Such an applicant who fails to make such an arrangement
335 within the time specified in this paragraph is thereafter in
336 violation of this section.

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

344 (a) The date of sale or transfer.

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

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

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

352 (e) Any other information the Department of Law
353 Enforcement prescribes.

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

360 (6) RELINQUISHMENT.—An individual may arrange in advance
361 to relinquish an assault weapon or large-capacity ammunition

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362 magazine to a law enforcement agency, as defined in s. 934.02,
363 or the Department of Law Enforcement. The assault weapon or
364 large-capacity ammunition magazine shall be transported in
365 accordance with subsection (7).

366 (7) TRANSPORTATION.—

367 (a) A licensed gun dealer who lawfully purchases for
368 resale out of state an assault weapon or large-capacity magazine
369 pursuant to subsection (2) may transport the assault weapon or
370 large-capacity magazine between dealers or out of the state, but
371 no person shall carry a loaded assault weapon concealed from
372 public view or knowingly have in any motor vehicle owned,
373 operated, or occupied by him a loaded assault weapon, or an
374 unloaded assault weapon, unless such weapon is kept in the trunk
375 of such vehicle or in a case or other container which is
376 inaccessible to the operator of or any passenger in such
377 vehicle. Any person who violates this subsection commits a
378 misdemeanor of the second degree, punishable as provided in s.
379 775.082 or s. 775.083. Any licensed gun dealer may display the
380 assault weapon or large-capacity magazine at any gun show or
381 sell it to a resident outside the state.

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

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387 1. A gunsmith who is in the dealer's employ; or

388 2. A gunsmith with whom the dealer has contracted for
389 gunsmithing services, provided the gunsmith receiving the
390 assault weapon holds a dealer's license issued pursuant to
391 chapter 44 of Title 18 the Unites States Code, 18 U.S.C. ss. 921
392 et seq., and the regulations issued pursuant thereto.

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

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

403 Section 12. Paragraph (a) of subsection (3) of section
404 775.087, Florida Statutes, is amended to read:

405 775.087 Possession or use of weapon; aggravated battery;
406 felony reclassification; minimum sentence.—

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

410 a. Murder;

411 b. Sexual battery;

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- 412 c. Robbery;
- 413 d. Burglary;
- 414 e. Arson;
- 415 f. Aggravated battery;
- 416 g. Kidnapping;
- 417 h. Escape;
- 418 i. Sale, manufacture, delivery, or intent to sell,
419 manufacture, or deliver any controlled substance;
- 420 j. Aircraft piracy;
- 421 k. Aggravated child abuse;
- 422 l. Aggravated abuse of an elderly person or disabled
423 adult;
- 424 m. Unlawful throwing, placing, or discharging of a
425 destructive device or bomb;
- 426 n. Carjacking;
- 427 o. Home-invasion robbery;
- 428 p. Aggravated stalking; or
- 429 q. Trafficking in cannabis, trafficking in cocaine,
430 capital importation of cocaine, trafficking in illegal drugs,
431 capital importation of illegal drugs, trafficking in
432 phencyclidine, capital importation of phencyclidine, trafficking
433 in methaqualone, capital importation of methaqualone,
434 trafficking in amphetamine, capital importation of amphetamine,
435 trafficking in flunitrazepam, trafficking in gamma-
436 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,

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437 trafficking in Phenethylamines, or other violation of s.
438 893.135(1);

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

446 2. Any person who is convicted of a felony or an attempt
447 to commit a felony listed in subparagraph (a)1., regardless of
448 whether the use of a weapon is an element of the felony, and
449 during the course of the commission of the felony such person
450 discharged a semiautomatic firearm and its high-capacity box
451 magazine, an assault weapon or large-capacity magazine as
452 defined in s. 790.30, or a "machine gun" as defined in s.
453 790.001 shall be sentenced to a minimum term of imprisonment of
454 20 years.

455 3. Any person who is convicted of a felony or an attempt
456 to commit a felony listed in subparagraph (a)1., regardless of
457 whether the use of a weapon is an element of the felony, and
458 during the course of the commission of the felony such person
459 discharged a semiautomatic firearm and its high-capacity box
460 magazine, an assault weapon or large-capacity magazine as
461 defined in s. 790.30, or a "machine gun" as defined in s.

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462 790.001 and, as the result of the discharge, death or great
463 bodily harm was inflicted upon any person, the convicted person
464 shall be sentenced to a minimum term of imprisonment of not less
465 than 25 years and not more than a term of imprisonment of life
466 in prison.

467

468

469

T I T L E A M E N D M E N T

470

Remove line 57 and insert:

471

providing a penalty; creating s. 790.30, F.S.; providing

472

definitions; prohibiting the sale or transfer of an assault

473

weapon or large-capacity ammunition magazine; providing

474

exceptions; providing criminal penalties; prohibiting

475

possession of an assault weapon or large-capacity magazine;

476

providing exceptions; providing criminal penalties;

477

requiring certificates of possession for assault weapons or

478

large-capacity ammunition magazines lawfully possessed

479

before a specified date; providing requirements for

480

certificates; specifying the form of certificates;

481

providing requirements for an applicant who fails to

482

qualify for such a certificate; limiting transfers of

483

assault weapons or large-capacity ammunition magazines

484

represented by such certificates; providing conditions for

485

continued possession of such weapons or large-capacity

486

ammunition magazines; requiring certificates of transfer

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB APC 18-06 (2018)

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487 | for transfers of assault weapons or large-capacity
488 | magazines; providing for relinquishment of assault weapons
489 | or large-capacity magazines; providing requirements for
490 | transportation of assault weapons or large-capacity
491 | magazines; providing criminal penalties; specifying
492 | circumstances in which the manufacture or transportation of
493 | assault weapons or large-capacity magazines is not
494 | prohibited; exempting permanently inoperable firearms from
495 | provisions; amending s. 775.087, F.S.; providing enhanced
496 | criminal penalties for certain offenses when committed with
497 | an assault weapon or large-capacity magazine; providing
498 | definitions; creating

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