

1 A bill to be entitled
2 An act relating to imitation firearms; creating s.
3 559.955, F.S.; providing definitions; creating s.
4 559.956, F.S.; prohibiting a person from knowingly
5 selling an imitation firearm for commercial purposes
6 on or after a specified date; providing penalties;
7 providing exceptions; creating s. 559.957, F.S.;
8 prohibiting a person from knowingly altering,
9 changing, removing, or obliterating certain features
10 required by law for an imitation firearm on or after a
11 specified date; prohibiting a person from knowingly
12 adding certain features that make a firearm more
13 closely resemble an imitation firearm on or after a
14 specified date; providing penalties; providing
15 exceptions; creating s. 559.958, F.S.; prohibiting a
16 person from knowingly displaying or exposing an
17 imitation firearm in a public place on or after a
18 specified date; providing penalties; providing
19 exceptions; creating s. 559.959, F.S.; requiring the
20 packaging of an imitation firearm manufactured after a
21 specified date to include a conspicuous written
22 advisory containing specified information; authorizing
23 the conspicuous advisory to be affixed to the
24 imitation firearm; providing criminal penalties;
25 providing an effective date.
26

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

28

29 Section 1. Section 559.955, Florida Statutes, is created
30 to read:

31 559.955 Definitions.—As used in this section and ss.
32 559.956–559.959, the term:

33 (1) "BB device" means an instrument that expels a
34 projectile, such as a BB or a pellet, through the force of air
35 pressure, gas pressure, or spring action, including an airsoft
36 gun and a spot marker or paintball gun.

37 (2) "Firearm" has the same meaning as provided in s.
38 790.001.

39 (3) "Imitation firearm" means a BB device, replica of a
40 firearm, or other device that is so substantially similar in
41 color and overall appearance to an actual firearm as to lead a
42 reasonable person to perceive that the device is a firearm. The
43 term does not include a toy gun unless the toy gun is a BB
44 device.

45 (4) "Public place" means an area open to the public,
46 including any of the following:

47 (a) A street, alley, sidewalk, driveway, or parking lot.

48 (b) A bridge.

49 (c) A plaza or park.

50 (d) A front yard.

51 (e) A motor vehicle, whether moving or not moving.

52 (f) A building open to the general public, including one

53 where food or drink is served or entertainment is provided.

54 (g) A doorway or entrance to a building or dwelling.

55 (h) A school operated by a board of education or a
 56 community school.

57 (i) A premises owned or leased by a public or private
 58 college, university, or other institution of higher education.

59 (5) Except as used in paragraph (4)(h), the term "school"
 60 has the same meaning as provided in s. 1003.01.

61 Section 2. Section 559.956, Florida Statutes, is created
 62 to read:

63 559.956 Imitation firearms.—

64 (1) A person may not knowingly sell, for commercial
 65 purposes, an imitation firearm in this state on or after January
 66 1, 2017.

67 (2) A person who violates subsection (1) commits
 68 commercial sale of an illegal imitation firearm, a misdemeanor
 69 of the first degree, punishable as provided in s. 775.082 or s.
 70 775.083.

71 (3) Subsection (1) does not apply to the sale of the
 72 following:

73 (a) A nonfiring collector's replica of a firearm that is
 74 historically significant and is offered for sale in conjunction
 75 with a wall plaque or presentation case.

76 (b) A spot marker gun that expels a projectile that is
 77 greater than 10 millimeter caliber.

78 (c) A BB device that expels a projectile that is other

79 than 6 millimeter or 8 millimeter caliber.

80 (d) An airsoft gun that expels a projectile that is 6
81 millimeter or 8 millimeter caliber if the device contains the
82 blaze orange ring on the barrel required by federal law, has a
83 trigger guard that has fluorescent coloration over the entire
84 guard, and meets either of the following criteria:

85 1. If the airsoft gun is configured as a handgun, there is
86 an adhesive band of fluorescent coloration measuring 2
87 centimeters wide around the circumference of the protruding
88 pistol grip, and the adhesive band is applied in a manner not
89 intended for removal and is in place on the airsoft gun before
90 sale to a customer; or

91 2. If the airsoft gun is configured as a rifle or long
92 gun, there is an adhesive band of fluorescent coloration,
93 applied in a manner and in place as described in subparagraph
94 1., around the circumference of any two or more of the
95 following:

96 a. The protruding pistol grip;

97 b. The buttstock; or

98 c. A protruding ammunition magazine or clip.

99 (e) A device the entire exterior surface of which is
100 white, bright red, bright orange, bright yellow, bright green,
101 bright blue, bright pink, or bright purple, either singly or as
102 the predominant color in combination with other colors in any
103 pattern.

104 (f) A device that is entirely constructed of transparent

105 or translucent material that permits unmistakable observation of
106 the device's complete contents.

107 (4) Subsection (1) does not apply to a sale of an
108 imitation firearm for any of the following purposes:

109 (a) Solely for export in interstate or foreign commerce.

110 (b) Solely for lawful use in a theatrical production,
111 including a motion picture or a video, television, or stage
112 production.

113 (c) Solely for use in a certified or regulated sporting
114 event or competition.

115 (d) Solely for use in a military or civil defense activity
116 or ceremonial activity.

117 (e) For any public display authorized by a school.

118 Section 3. Section 559.957, Florida Statutes, is created
119 to read:

120 559.957 Altering an imitation firearm.—

121 (1) A person, on or after January 1, 2017, may not
122 knowingly alter, change, remove, or obliterate any color,
123 marking, or band that is required by any applicable law or
124 regulation of this state or the United States for an imitation
125 firearm in a way that makes the imitation firearm or BB device
126 more closely resemble an actual firearm.

127 (2) A person, on or after January 1, 2017, may not
128 knowingly add to any firearm any color, marking, or band that is
129 required by any applicable law or regulation of this state or
130 the United States for an imitation firearm in a way that makes

131 the firearm more closely resemble an imitation firearm.

132 (3) (a) A person who violates subsection (1) commits
 133 alteration of an imitation firearm, a misdemeanor of the first
 134 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 135 775.084.

136 (b) A person who violates subsection (2) commits
 137 disguising a firearm as an imitation firearm, a misdemeanor of
 138 the first degree, punishable as provided in s. 775.082 or s.
 139 775.083.

140 (4) Subsection (1) does not apply to:

141 (a) A manufacturer, importer, or distributor of imitation
 142 firearms.

143 (b) Lawful use in a theatrical production, including a
 144 motion picture or a video, television, or stage production.

145 Section 4. Section 559.958, Florida Statutes, is created
 146 to read:

147 559.958 Open display of imitation firearm.—

148 (1) A person may not knowingly display or expose an
 149 imitation firearm in a public place on or after January 1, 2017.

150 (2) A person who violates subsection (1) commits illegal
 151 public display of an imitation firearm, a misdemeanor of the
 152 first degree, punishable as provided in s. 775.082 or s.
 153 775.083.

154 (3) Subsection (1) does not apply if the imitation firearm
 155 is:

156 (a) Packaged or concealed so that it is not subject to

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157 public viewing;

158 (b) Displayed or exposed in the course of commerce,
159 including in a commercial film or video production, or for
160 service, repair, or restoration of the imitation firearm;

161 (c) Used in a theatrical production, including a motion
162 picture or a video, television, or stage production;

163 (d) Used in conjunction with a certified or regulated
164 sporting event or competition;

165 (e) Used in conjunction with lawful hunting or a lawful
166 pest control activity;

167 (f) Used or possessed at a certified or regulated public
168 or private shooting range;

169 (g) Used at a fair, exhibition, exposition, or other
170 similar activity for which a permit has been obtained from a
171 local or state government;

172 (h) Used in a military, civil defense, or civic activity,
173 including a flag ceremony, color guard, parade, award
174 presentation, historical reenactment, or memorial;

175 (i) Used for a public display authorized by a school or
176 for a display that is part of a museum collection;

177 (j) Used in a parade, ceremony, or other similar activity
178 for which a permit has been obtained from a local or state
179 government;

180 (k) Displayed on a wall plaque or in a presentation case;

181 (l) Used in an area where the discharge of a firearm is
182 lawful; or

183 (m) Manufactured in such a way that its entire exterior
184 surface is white, bright red, bright orange, bright yellow,
185 bright green, bright blue, bright pink, or bright purple, either
186 singly or as the predominant color in combination with other
187 colors in any pattern, or entirely constructed of transparent or
188 translucent material that permits unmistakable observation of
189 the device's complete contents. An imitation firearm that merely
190 has an orange tip as provided in federal law does not satisfy
191 the requirements of this paragraph.

192 Section 5. Section 559.959, Florida Statutes, is created
193 to read:

194 559.959 Packaging of imitation firearm.—

195 (1) The packaging of an imitation firearm manufactured
196 after July 1, 2016, must include, at the time of offer for
197 commercial sale in this state, a conspicuous written advisory
198 that substantially states the following:

199 (a) The product may be mistaken for a firearm by law
200 enforcement officers or other persons.

201 (b) Altering the coloration or markings required by state
202 or federal law so as to make the product more closely resemble a
203 firearm is dangerous and may result in criminal penalties.

204 (c) Brandishing or displaying the product in public may
205 cause confusion and may result in criminal penalties.

206 (2) To comply with subsection (1), the conspicuous
207 advisory may be affixed to the imitation firearm.

208 (3) A manufacturer, importer, or distributor that

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209 knowingly fails to comply with subsection (1) commits a
210 misdemeanor of the first degree, punishable as provided in s.
211 775.082 or s. 775.083 and shall be fined as follows:

212 (a) Except as otherwise provided in paragraph (b) or
213 paragraph (c), no more than \$1,000.

214 (b) If the offender has been convicted of or pleaded
215 guilty to one previous violation, no more than \$5,000.

216 (c) If the offender has been convicted of or pleaded
217 guilty to two or more previous violations, no more than \$10,000.

218 Section 6. This act shall take effect October 1, 2015.