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Florida Attorney General's Office News Release

Attorney General Moody Releases Legal Opinion Following Gun Rights Infringement by ATF



TALLAHASSEE, Fla.—Attorney General Ashley Moody today released a legal opinion regarding the use of stabilizing braces for handguns in Florida. The Attorney General issued the opinion in response to a request from Representative Shane Abbott to provide clarity on Florida law following a recently released Bureau of Alcohol, Tobacco Firearms and Explosives interpretation of a federal law. The ATF interpretation subjects handguns with stabilizing braces to National Firearms Act controls. Attorney General Moody issued an opinion on a similarly worded provision of Florida law concluding that stabilizing braces are not short-barreled rifles.

Attorney General Ashley Moody said, “The Second Amendment is alive and well in Florida and our state laws protect the gun rights of law-abiding citizens. We issued this important legal opinion to provide clarity about our state law as the federal government continues to overreach in an effort to over-regulate certain firearm accessories.”

The Attorney General opinion deals solely with Florida state law and has no bearing on the ATF’s action. The opinion states: “Unless and until judicially or legislatively clarified, I conclude that the definition of ‘short-barreled rifle,’ which the Legislature enacted in 1969, does not include

a handgun, such as a pistol, to which a person attaches a stabilizing brace, because the use of such an optional accessory does not change the fundamental characteristics of the handgun." Separately, the State of Florida is challenging the ATF interpretation.

Read the full opinion here.

For more information on the Attorney General legal opinion process, click here.

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