



338506

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Judiciary (Powell) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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) "Assault weapon" means:

1. A selective-fire firearm capable of fully automatic,
semiautomatic, or burst fire at the option of the user or any of



338506

12 the following specified semiautomatic firearms:

13 a. Algimec AGM1.

14 b. All AK series, including, but not limited to, the
15 following: AK, AK-47, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90,
16 NHM91, Rock River Arms LAR-47, SA 85, SA 93, Vector Arms AK-47,
17 VEPR, WASR-10, and WUM.

18 c. All AR series, including, but not limited to, the
19 following: AR-10, AR-15, Armalite AR-180, Armalite M-15, AR-70,
20 Bushmaster XM15, Colt AR-15, DoubleStar AR rifles, DPMS tactical
21 rifles, Olympic Arms, Rock River Arms LAR-15, and Smith & Wesson
22 M&P15 rifles.

23 d. Barrett 82A1 and REC7.

24 e. Beretta AR-70 and Beretta Storm.

25 f. Bushmaster automatic rifle.

26 g. Calico Liberty series rifles.

27 h. Chartered Industries of Singapore SR-88.

28 i. Colt Sporter.

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

30 k. FAMAS MAS .223.

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

32 m. FN FAL (or FN LAR) and FN FNC.

33 n. FN FS2000, FN PS90, and FN SCAR.

34 o. Galil and UZI Sporter, Galil sniper rifle (Galatz),
35 Galil Sporter, UZI, or Vector Arms UZI.

36 p. Goncz High-Tech carbine.

37 q. Hi-Point carbine.

38 r. HK-91, HK-93, HK-94, HK-PSG-1, and SP-89.

39 s. Kel-Tec RFB, Sub-2000, and SU series.

40 t. M1 carbine.



338506

- 41 u. M2HB and TNW M230.
42 v. Ruger Mini-14 with folding stock.
43 w. SAR-8, SAR-4800, and SR9.
44 x. SIG 57 AMT and 500 Series.
45 y. Sig Sauer MCX rifle.
46 z. SKS capable of accepting a detachable magazine.
47 aa. SLG 95.
48 bb. SLR 95 and 96.
49 cc. Spectre automatic carbine.
50 dd. Springfield Armory BM59, G-3, and SAR-48.
51 ee. Sterling MK-6 and MK-7.
52 ff. Steyr AUG.
53 gg. Thompson series, including Thompson T5.
54 hh. Weaver Arms Nighthawk.
55 2. All of the following handguns, copies, duplicates, or
56 altered facsimiles with the capability of any such weapon
57 thereof:
58 a. AK-47 pistol and Mini AK-47 pistol.
59 b. AR-15 pistol.
60 c. Australian Automatic Arms SAP pistol.
61 d. Bushmaster automatic pistol.
62 e. Calico Liberty series pistols.
63 f. Chiappa Firearms Mfour-22.
64 g. Colefire Magnum.
65 h. DSA SA58 PKP FAL.
66 i. Encom MK-IV, MP-9, and MP-45.
67 j. Feather AT-9 and Mini-AT.
68 k. German Sport 522 PK.
69 l. Goncz High-Tech Long pistol.



338506

- 70 m. Holmes MP-83.
- 71 n. Intratec AB-10, TEC-9, TEC-22 Scorpion, and TEC-DC9.
- 72 o. I.O. Inc. PPS-43C.
- 73 p. Iver Johnson Enforcer.
- 74 q. Kel-Tec PLR-16 pistol.
- 75 r. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
- 76 Velocity Arms VMA series.
- 77 s. Scarab Skorpion.
- 78 t. Sig Sauer P556 pistol.
- 79 u. Spectre automatic pistol.
- 80 v. Thompson TA5 series pistols.
- 81 w. UZI pistol and Micro-UZI pistol.
- 82 x. Wilkinson "Linda" pistol.
- 83 3. All of the following shotguns, copies, duplicates, or
- 84 altered facsimiles with the capability of any such weapon
- 85 thereof:
- 86 a. Armscor 30 BG.
- 87 b. Franchi LAW-12 and SPAS-12.
- 88 c. Kel-Tec KSG.
- 89 d. Remington TAC-2 and TACB3 FS.
- 90 e. Saiga.
- 91 f. Streetsweeper.
- 92 g. Striker 12.
- 93 h. USAS-12.
- 94 4. A part or combination of parts that convert a firearm
- 95 into an assault weapon, or any combination of parts from which
- 96 an assault weapon may be assembled if those parts are in the
- 97 possession or under the control of the same person.
- 98 5. A semiautomatic firearm not listed in this paragraph



338506

99 which meets the criteria of one of the following sub-
100 subparagraphs:
101 a. A semiautomatic rifle that has an ability to accept a
102 detachable magazine and that has one or more of the following:
103 (I) A folding or telescoping stock.
104 (II) A pistol grip that protrudes conspicuously beneath the
105 action of the weapon or any feature functioning as a protruding
106 grip that can be held by the nontrigger hand, or a thumbhole
107 stock.
108 (III) A bayonet mount.
109 (IV) A flash suppressor or threaded barrel designed to
110 accommodate a flash suppressor.
111 (V) A grenade launcher.
112 (VI) A shroud that is attached to the barrel, or that
113 partially or completely encircles the barrel and allows the
114 bearer to hold the firearm with the nontrigger hand without
115 being burned, but excluding a slide that encloses the barrel.
116 b. A semiautomatic pistol that has an ability to accept a
117 detachable magazine and that has one or more of the following:
118 (I) The capacity to accept an ammunition magazine that
119 attaches to the pistol at any location outside the pistol grip.
120 (II) A threaded barrel capable of accepting a barrel
121 extender, flash suppressor, forward handgrip, or silencer.
122 (III) A slide that encloses the barrel and that allows the
123 shooter to hold the firearm with the nontrigger hand without
124 being burned.
125 (IV) A manufactured weight of 50 ounces or more when the
126 pistol is unloaded.
127 (V) A semiautomatic version of an automatic firearm.



338506

128 (VI) Any feature capable of functioning as a protruding
129 grip that can be held by the nontrigger hand.

130 (VII) A folding, telescoping, or thumbhole stock.

131 c. A semiautomatic shotgun that has one or more of the
132 following:

133 (I) A folding or telescoping stock.

134 (II) A pistol grip that protrudes conspicuously beneath the
135 action of the weapon.

136 (III) A thumbhole stock.

137 (IV) A fixed-magazine capacity in excess of 5 rounds.

138 (V) An ability to accept a detachable magazine.

139 d. A semiautomatic pistol or a semiautomatic, centerfire,
140 or rimfire rifle with a fixed magazine that has the capacity to
141 accept more than 10 rounds of ammunition.

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

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

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

154 (d) "Large-capacity magazine" means any ammunition feeding
155 device with the capacity to accept more than 7 rounds, or any
156 conversion kit, part, or combination of parts from which such a



338506

157 device can be assembled if those parts are in the possession or
158 under the control of the same person, but does not include any
159 of the following:

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

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

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

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

167 (2) SALE OR TRANSFER.—

168 (a) A person may not import into the state or, within this
169 state, distribute, transport, sell, keep for sale, offer or
170 expose for sale, or give an assault weapon or large-capacity
171 magazine. Except as provided in paragraph (b), any person who
172 violates this paragraph commits a felony of the third degree,
173 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
174 with a mandatory minimum term of imprisonment of 2 years.

175 (b) A person may not transfer, sell, or give an assault
176 weapon or large-capacity magazine to a person under 18 years of
177 age. Any person who violates this paragraph commits a felony of
178 the second degree, punishable as provided in s. 775.082, s.
179 775.083, or s. 775.084, with a mandatory minimum term of
180 imprisonment of 6 years.

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

182 1. The sale of assault weapons or large-capacity magazines
183 to the Department of Law Enforcement, to a law enforcement
184 agency, as defined in s. 934.02, to the Department of
185 Corrections, or to the military, air, or naval forces of this



338506

186 state or the United States for use in the discharge of their
187 official duties.

188 2. A person who is the executor or administrator of an
189 estate that includes an assault weapon or large-capacity
190 magazine for which a certificate of possession has been issued
191 under subsection (4) which is disposed of as authorized by the
192 probate court, if the disposition is otherwise authorized under
193 this section.

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

197 (3) POSSESSION.—

198 (a) Except as provided in subsection (5) or otherwise
199 provided in this section or authorized by any other law, a
200 person may not, within this state, possess an assault weapon or
201 large-capacity magazine. Any person who violates this paragraph
202 commits a felony of the third degree, punishable as provided in
203 s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum
204 term of imprisonment of 1 year.

205 (b) Paragraph (a) does not apply to the possession of an
206 assault weapon or large-capacity magazine by a member or
207 employee of the Department of Law Enforcement, a law enforcement
208 agency, as defined in s. 934.02, the Department of Corrections,
209 or the military, air, or naval forces of this state or of the
210 United States for use in the discharge of his or her official
211 duties; nor does this section prohibit the possession or use of
212 an assault weapon or large-capacity magazine by a sworn member
213 of one of these agencies when on duty and the use is within the
214 scope of his or her duties.



338506

215 (c) Paragraph (a) does not apply to the possession of an
216 assault weapon or large-capacity magazine by any person before
217 July 1, 2019, if all of the following are applicable:

218 1. The person is eligible to apply for a certificate of
219 possession for the assault weapon or large-capacity magazine by
220 July 1, 2019;

221 2. The person lawfully possessed the assault weapon or
222 large-capacity magazine before October 1, 2018; and

223 3. The person is otherwise in compliance with this section
224 and the applicable requirements of this chapter for possession
225 of a firearm.

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

233 (4) CERTIFICATE OF POSSESSION.—

234 (a) Any person who lawfully possesses an assault weapon or
235 large-capacity magazine before October 1, 2018, shall apply by
236 October 1, 2019, or, if such person is a member of the military
237 or naval forces of this state or of the United States and cannot
238 apply by October 1, 2019, because he or she is or was on
239 official duty outside this state, shall apply within 90 days
240 after returning to the state, to the Department of Law
241 Enforcement for a certificate of possession with respect to such
242 assault weapon or large-capacity magazine. The certificate must
243 contain a description of the assault weapon or large-capacity



338506

244 magazine which identifies the assault weapon or large-capacity
245 magazine uniquely, including all identification marks; the full
246 name, address, date of birth, and thumbprint of the owner; and
247 any other information as the department may deem appropriate.
248 The department shall adopt rules no later than January 1, 2019,
249 to establish procedures with respect to the application for, and
250 issuance of, certificates of possession under this section.

251 (b)1. An assault weapon or large-capacity magazine lawfully
252 possessed in accordance with this section may not be sold or
253 transferred on or after January 1, 2019, to any person within
254 this state other than to a licensed gun dealer, as provided in
255 subsection (5); or by a bequest or intestate succession.

256 2. A person who obtains title to an assault weapon or
257 large-capacity magazine for which a certificate of possession
258 has been issued under this subsection shall, within 90 days
259 after obtaining title, apply to the Department of Law
260 Enforcement for a certificate of possession, render the assault
261 weapon or large-capacity magazine permanently inoperable, sell
262 the assault weapon or large-capacity magazine to a licensed gun
263 dealer, or remove the assault weapon or large-capacity magazine
264 from the state.

265 3. A person who moves into the state and who is in lawful
266 possession of an assault weapon or large-capacity magazine,
267 shall, within 90 days, either render the assault weapon or
268 large-capacity magazine permanently inoperable, sell the assault
269 weapon or large-capacity magazine to a licensed gun dealer, or
270 remove the assault weapon or large-capacity magazine from this
271 state, unless the person is a member of the military, air, or
272 naval forces of this state or of the United States, is in lawful



338506

273 possession of an assault weapon or large-capacity magazine, and
274 has been transferred into the state after October 1, 2019.

275 (c) A person who has been issued a certificate of
276 possession for an assault weapon or large-capacity magazine
277 under this subsection may possess it only if the person is:

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

281 2. On the premises of a target range of a public or private
282 club or organization organized for the purpose of practicing
283 shooting at targets;

284 3. On a target range that holds a regulatory or business
285 license for the purpose of practicing shooting at that target
286 range;

287 4. On the premises of a licensed shooting club;

288 5. Attending an exhibition, display, or educational project
289 on firearms which is sponsored by, conducted under the auspices
290 of, or approved by a law enforcement agency or a nationally or
291 state-recognized entity that fosters proficiency in, or promotes
292 education about, firearms; or

293 6. Transporting the assault weapon or large-capacity
294 magazine between any of the places mentioned in this paragraph,
295 or from or to any licensed gun dealer for servicing or repair
296 pursuant to paragraph (7) (b), provided the assault weapon or
297 large-capacity magazine is transported as required by subsection
298 (7).

299 (5) CERTIFICATE OF TRANSFER.—If an owner of an assault
300 weapon or large-capacity magazine sells or transfers the weapon
301 or magazine to a licensed gun dealer, he or she shall, at the



338506

302 time of delivery of the weapon, execute a certificate of
303 transfer and cause the certificate to be mailed or delivered to
304 the Department of Law Enforcement. The certificate must contain:

305 (a) The date of sale or transfer.

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

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

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

313 (e) Any other information the Department of Law Enforcement
314 prescribes.

315
316 The licensed gun dealer shall present his or her driver license
317 or social security card and federal firearms license to the
318 seller or transferor for inspection at the time of purchase or
319 transfer. The Department of Law Enforcement shall maintain a
320 file of all certificates of transfer at its headquarters.

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

326 (7) TRANSPORTATION.—

327 (a) A licensed gun dealer who lawfully purchases for resale
328 an assault weapon or large-capacity magazine pursuant to
329 subsection (2) may transport the assault weapon or large-
330 capacity magazine between licensed gun dealers or out of this



338506

331 state, but no person shall carry a loaded assault weapon
332 concealed from public view, or knowingly have in any motor
333 vehicle owned, operated, or occupied by him or her a loaded or
334 unloaded assault weapon, unless such weapon is kept in the trunk
335 of such vehicle or in a case or other container that is
336 inaccessible to the operator of or any passenger in such
337 vehicle. Any person who violates this paragraph commits a
338 misdemeanor of the second degree, punishable as provided in s.
339 775.082 or s. 775.083. Any licensed gun dealer may display the
340 assault weapon or large-capacity magazine at any gun show or
341 sell it to a resident outside this state.

342 (b) Any licensed gun dealer may transfer possession of any
343 assault weapon or large-capacity magazine received pursuant to
344 paragraph (a) to a gunsmith for purposes of accomplishing
345 service or repair of the same. Transfers are permissible only to
346 a gunsmith who is:

- 347 1. In the licensed gun dealer's employ; or
348 2. Contracted by the licensed gun dealer for gunsmithing
349 services, provided the gunsmith holds a dealer's license issued
350 pursuant to chapter 44 of Title 18 the United States Code, 18
351 U.S.C. ss. 921 et seq., and the regulations issued pursuant
352 thereto.

353 (8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION
354 NOT PROHIBITED.—This section does not prohibit any person, firm,
355 or corporation engaged in the business of manufacturing assault
356 weapons or large-capacity magazines in this state from
357 manufacturing or transporting assault weapons or large-capacity
358 magazines in this state for sale within this state in accordance
359 with subparagraph (2)(c)1. or for sale outside this state.



338506

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

362 Section 2. Paragraph (a) of subsection (3) of section
363 775.087, Florida Statutes, is amended to read:

364 775.087 Possession or use of weapon; aggravated battery;
365 felony reclassification; minimum sentence.—

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

- 369 a. Murder;
- 370 b. Sexual battery;
- 371 c. Robbery;
- 372 d. Burglary;
- 373 e. Arson;
- 374 f. Aggravated battery;
- 375 g. Kidnapping;
- 376 h. Escape;
- 377 i. Sale, manufacture, delivery, or intent to sell,
378 manufacture, or deliver any controlled substance;
- 379 j. Aircraft piracy;
- 380 k. Aggravated child abuse;
- 381 l. Aggravated abuse of an elderly person or disabled adult;
- 382 m. Unlawful throwing, placing, or discharging of a
383 destructive device or bomb;
- 384 n. Carjacking;
- 385 o. Home-invasion robbery;
- 386 p. Aggravated stalking; or
- 387 q. Trafficking in cannabis, trafficking in cocaine, capital
388 importation of cocaine, trafficking in illegal drugs, capital



338506

389 importation of illegal drugs, trafficking in phencyclidine,
390 capital importation of phencyclidine, trafficking in
391 methaqualone, capital importation of methaqualone, trafficking
392 in amphetamine, capital importation of amphetamine, trafficking
393 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
394 (GHB), trafficking in 1,4-Butanediol, trafficking in
395 Phenethylamines, or other violation of s. 893.135(1);
396

397 and during the commission of the offense, such person possessed
398 a semiautomatic firearm and its high-capacity detachable box
399 magazine, an assault weapon or large-capacity magazine as
400 defined in s. 790.30, or a machine gun as defined in s. 790.001,
401 shall be sentenced to a minimum term of imprisonment of 15
402 years.

403 2. Any person who is convicted of a felony or an attempt to
404 commit a felony listed in subparagraph (a)1., regardless of
405 whether the use of a weapon is an element of the felony, and
406 during the course of the commission of the felony such person
407 discharged a semiautomatic firearm and its high-capacity box
408 magazine, an assault weapon or large-capacity magazine as
409 defined in s. 790.30, or a "machine gun" as defined in s.
410 790.001 shall be sentenced to a minimum term of imprisonment of
411 20 years.

412 3. Any person who is convicted of a felony or an attempt to
413 commit a felony listed in subparagraph (a)1., regardless of
414 whether the use of a weapon is an element of the felony, and
415 during the course of the commission of the felony such person
416 discharged a semiautomatic firearm and its high-capacity box
417 magazine, an assault weapon or large-capacity magazine as



338506

418 defined in s. 790.30, or a "machine gun" as defined in s.
419 790.001 and, as the result of the discharge, death or great
420 bodily harm was inflicted upon any person, the convicted person
421 shall be sentenced to a minimum term of imprisonment of not less
422 than 25 years and not more than a term of imprisonment of life
423 in prison.

424 Section 3. For the purpose of incorporating the amendment
425 made by this act to section 775.087, Florida Statutes, in a
426 reference thereto, section 27.366, Florida Statutes, is
427 reenacted to read:

428 27.366 Legislative intent and policy in cases meeting
429 criteria of s. 775.087(2) and (3).—It is the intent of the
430 Legislature that convicted criminal offenders who meet the
431 criteria in s. 775.087(2) and (3) be sentenced to the minimum
432 mandatory prison terms provided therein. It is the intent of the
433 Legislature to establish zero tolerance of criminals who use,
434 threaten to use, or avail themselves of firearms in order to
435 commit crimes and thereby demonstrate their lack of value for
436 human life. It is also the intent of the Legislature that
437 prosecutors should appropriately exercise their discretion in
438 those cases in which the offenders' possession of the firearm is
439 incidental to the commission of a crime and not used in
440 furtherance of the crime, used in order to commit the crime, or
441 used in preparation to commit the crime. For every case in which
442 the offender meets the criteria in this act and does not receive
443 the mandatory minimum prison sentence, the state attorney must
444 explain the sentencing deviation in writing and place such
445 explanation in the case file maintained by the state attorney.

446 Section 4. For the purpose of incorporating the amendment



338506

447 made by this act to section 775.087, Florida Statutes, in a
448 reference thereto, paragraph (b) of subsection (1) of section
449 921.0024, Florida Statutes, is reenacted to read:

450 921.0024 Criminal Punishment Code; worksheet computations;
451 scoresheets.—

452 (1)

453 (b) WORKSHEET KEY:

454

455 Legal status points are assessed when any form of legal status
456 existed at the time the offender committed an offense before the
457 court for sentencing. Four (4) sentence points are assessed for
458 an offender's legal status.

459

460 Community sanction violation points are assessed when a
461 community sanction violation is before the court for sentencing.
462 Six (6) sentence points are assessed for each community sanction
463 violation and each successive community sanction violation,
464 unless any of the following apply:

465 1. If the community sanction violation includes a new
466 felony conviction before the sentencing court, twelve (12)
467 community sanction violation points are assessed for the
468 violation, and for each successive community sanction violation
469 involving a new felony conviction.

470 2. If the community sanction violation is committed by a
471 violent felony offender of special concern as defined in s.
472 948.06:

473 a. Twelve (12) community sanction violation points are
474 assessed for the violation and for each successive violation of
475 felony probation or community control where:



338506

476 I. The violation does not include a new felony conviction;
477 and
478 II. The community sanction violation is not based solely on
479 the probationer or offender's failure to pay costs or fines or
480 make restitution payments.
481 b. Twenty-four (24) community sanction violation points are
482 assessed for the violation and for each successive violation of
483 felony probation or community control where the violation
484 includes a new felony conviction.
485
486 Multiple counts of community sanction violations before the
487 sentencing court shall not be a basis for multiplying the
488 assessment of community sanction violation points.
489
490 Prior serious felony points: If the offender has a primary
491 offense or any additional offense ranked in level 8, level 9, or
492 level 10, and one or more prior serious felonies, a single
493 assessment of thirty (30) points shall be added. For purposes of
494 this section, a prior serious felony is an offense in the
495 offender's prior record that is ranked in level 8, level 9, or
496 level 10 under s. 921.0022 or s. 921.0023 and for which the
497 offender is serving a sentence of confinement, supervision, or
498 other sanction or for which the offender's date of release from
499 confinement, supervision, or other sanction, whichever is later,
500 is within 3 years before the date the primary offense or any
501 additional offense was committed.
502
503 Prior capital felony points: If the offender has one or more
504 prior capital felonies in the offender's criminal record, points



338506

505 shall be added to the subtotal sentence points of the offender
506 equal to twice the number of points the offender receives for
507 the primary offense and any additional offense. A prior capital
508 felony in the offender's criminal record is a previous capital
509 felony offense for which the offender has entered a plea of nolo
510 contendere or guilty or has been found guilty; or a felony in
511 another jurisdiction which is a capital felony in that
512 jurisdiction, or would be a capital felony if the offense were
513 committed in this state.

514

515 Possession of a firearm, semiautomatic firearm, or machine gun:
516 If the offender is convicted of committing or attempting to
517 commit any felony other than those enumerated in s. 775.087(2)
518 while having in his or her possession: a firearm as defined in
519 s. 790.001(6), an additional eighteen (18) sentence points are
520 assessed; or if the offender is convicted of committing or
521 attempting to commit any felony other than those enumerated in
522 s. 775.087(3) while having in his or her possession a
523 semiautomatic firearm as defined in s. 775.087(3) or a machine
524 gun as defined in s. 790.001(9), an additional twenty-five (25)
525 sentence points are assessed.

526

527 Sentencing multipliers:

528

529 Drug trafficking: If the primary offense is drug trafficking
530 under s. 893.135, the subtotal sentence points are multiplied,
531 at the discretion of the court, for a level 7 or level 8
532 offense, by 1.5. The state attorney may move the sentencing
533 court to reduce or suspend the sentence of a person convicted of



338506

534 a level 7 or level 8 offense, if the offender provides
535 substantial assistance as described in s. 893.135(4).
536
537 Law enforcement protection: If the primary offense is a
538 violation of the Law Enforcement Protection Act under s.
539 775.0823(2), (3), or (4), the subtotal sentence points are
540 multiplied by 2.5. If the primary offense is a violation of s.
541 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
542 are multiplied by 2.0. If the primary offense is a violation of
543 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
544 Protection Act under s. 775.0823(10) or (11), the subtotal
545 sentence points are multiplied by 1.5.
546
547 Grand theft of a motor vehicle: If the primary offense is grand
548 theft of the third degree involving a motor vehicle and in the
549 offender's prior record, there are three or more grand thefts of
550 the third degree involving a motor vehicle, the subtotal
551 sentence points are multiplied by 1.5.
552
553 Offense related to a criminal gang: If the offender is convicted
554 of the primary offense and committed that offense for the
555 purpose of benefiting, promoting, or furthering the interests of
556 a criminal gang as defined in s. 874.03, the subtotal sentence
557 points are multiplied by 1.5. If applying the multiplier results
558 in the lowest permissible sentence exceeding the statutory
559 maximum sentence for the primary offense under chapter 775, the
560 court may not apply the multiplier and must sentence the
561 defendant to the statutory maximum sentence.
562



338506

563 Domestic violence in the presence of a child: If the offender is
564 convicted of the primary offense and the primary offense is a
565 crime of domestic violence, as defined in s. 741.28, which was
566 committed in the presence of a child under 16 years of age who
567 is a family or household member as defined in s. 741.28(3) with
568 the victim or perpetrator, the subtotal sentence points are
569 multiplied by 1.5.

570

571 Adult-on-minor sex offense: If the offender was 18 years of age
572 or older and the victim was younger than 18 years of age at the
573 time the offender committed the primary offense, and if the
574 primary offense was an offense committed on or after October 1,
575 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
576 violation involved a victim who was a minor and, in the course
577 of committing that violation, the defendant committed a sexual
578 battery under chapter 794 or a lewd act under s. 800.04 or s.
579 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
580 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
581 800.04; or s. 847.0135(5), the subtotal sentence points are
582 multiplied by 2.0. If applying the multiplier results in the
583 lowest permissible sentence exceeding the statutory maximum
584 sentence for the primary offense under chapter 775, the court
585 may not apply the multiplier and must sentence the defendant to
586 the statutory maximum sentence.

587 Section 5. For the purpose of incorporating the amendment
588 made by this act to section 775.087, Florida Statutes, in a
589 reference thereto, paragraph (b) of subsection (3) of section
590 947.146, Florida Statutes, is reenacted to read:

591 947.146 Control Release Authority.—



338506

592 (3) Within 120 days prior to the date the state
593 correctional system is projected pursuant to s. 216.136 to
594 exceed 99 percent of total capacity, the authority shall
595 determine eligibility for and establish a control release date
596 for an appropriate number of parole ineligible inmates committed
597 to the department and incarcerated within the state who have
598 been determined by the authority to be eligible for
599 discretionary early release pursuant to this section. In
600 establishing control release dates, it is the intent of the
601 Legislature that the authority prioritize consideration of
602 eligible inmates closest to their tentative release date. The
603 authority shall rely upon commitment data on the offender
604 information system maintained by the department to initially
605 identify inmates who are to be reviewed for control release
606 consideration. The authority may use a method of objective risk
607 assessment in determining if an eligible inmate should be
608 released. Such assessment shall be a part of the department's
609 management information system. However, the authority shall have
610 sole responsibility for determining control release eligibility,
611 establishing a control release date, and effectuating the
612 release of a sufficient number of inmates to maintain the inmate
613 population between 99 percent and 100 percent of total capacity.
614 Inmates who are ineligible for control release are inmates who
615 are parole eligible or inmates who:

616 (b) Are serving the mandatory minimum portion of a sentence
617 enhanced under s. 775.087(2) or (3), or s. 784.07(3);

618

619 In making control release eligibility determinations under this
620 subsection, the authority may rely on any document leading to or



338506

621 generated during the course of the criminal proceedings,
622 including, but not limited to, any presentence or postsentence
623 investigation or any information contained in arrest reports
624 relating to circumstances of the offense.

625 Section 6. This act shall take effect October 1, 2018.

626

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

628 And the title is amended as follows:

629 Delete everything before the enacting clause
630 and insert:

631 A bill to be entitled
632 An act relating to gun safety; creating s. 790.30,
633 F.S.; defining terms; prohibiting the sale or transfer
634 of an assault weapon or large-capacity magazine;
635 providing exceptions; providing criminal penalties;
636 prohibiting possession of an assault weapon or large-
637 capacity magazine; providing criminal penalties;
638 providing exceptions; requiring certificates of
639 possession for assault weapons or large-capacity
640 magazines lawfully possessed before a specified date;
641 requiring the Department of Law Enforcement to adopt
642 rules by a certain date; limiting transfers of assault
643 weapons or large-capacity magazines represented by
644 such certificates; providing conditions for continued
645 possession of such weapons or large-capacity
646 magazines; requiring certificates of transfer for
647 transfers of assault weapons or large-capacity
648 magazines; providing for relinquishment of assault
649 weapons or large-capacity magazines; providing



338506

650 requirements for transportation of assault weapons or
651 large-capacity magazines; providing criminal
652 penalties; specifying circumstances in which the
653 manufacture or transportation of assault weapons or
654 large-capacity magazines is not prohibited; exempting
655 permanently inoperable firearms from provisions;
656 amending s. 775.087, F.S.; providing enhanced criminal
657 penalties for certain offenses when committed with an
658 assault weapon or large-capacity magazine; reenacting
659 ss. 27.366, 921.0024(1)(b), and 947.146(3)(b), F.S.,
660 relating to legislative intent and policy in certain
661 cases, the Criminal Punishment Code worksheet key, and
662 the Control Release Authority, respectively, to
663 incorporate the amendment made to s. 775.087, F.S., in
664 references thereto; providing an effective date.