

By Senator Farmer

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1 A bill to be entitled

2 An act relating to assault weapons and large-capacity
3 magazines; creating s. 790.301, F.S.; providing
4 definitions; prohibiting the sale or transfer of an
5 assault weapon or large-capacity ammunition magazine;
6 providing exceptions; providing criminal penalties;
7 prohibiting possession of an assault weapon or large-
8 capacity magazine; providing exceptions; providing
9 criminal penalties; requiring certificates of
10 possession for assault weapons or large-capacity
11 ammunition magazines lawfully possessed before a
12 specified date; providing requirements for
13 certificates; specifying the form of certificates;
14 providing requirements for an applicant who fails to
15 qualify for such a certificate; limiting transfers of
16 assault weapons or large-capacity ammunition magazines
17 represented by such certificates; providing conditions
18 for continued possession of such weapons or large-
19 capacity ammunition magazines; requiring certificates
20 of transfer for transfers of assault weapons or large-
21 capacity magazines; providing for relinquishment of
22 assault weapons or large-capacity magazines; providing
23 requirements for transportation of assault weapons or
24 large-capacity magazines; providing criminal
25 penalties; specifying circumstances in which the
26 manufacture or transportation of assault weapons or
27 large-capacity magazines is not prohibited; exempting
28 permanently inoperable firearms from provisions;
29 amending s. 775.087, F.S.; providing enhanced criminal

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30 penalties for certain offenses when committed with an
31 assault weapon or large-capacity magazine; providing
32 severability; providing an effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Section 790.301, Florida Statutes, is created to
37 read:

38 790.301 Assault weapons.—

39 (1) DEFINITIONS.—As used in this section, the term:

40 (a)1. "Assault weapon" means any selective-fire firearm
41 capable of fully automatic, semiautomatic, or burst fire at the
42 option of the user or any of the following specified
43 semiautomatic firearms:

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

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

53 c. Algimec AGM1.

54 d. Barrett 82A1 and REC7.

55 e. Beretta AR-70 and Beretta Storm.

56 f. Bushmaster Auto Rifle.

57 g. Calico Liberty series.

58 h. Chartered Industries of Singapore SR-88.

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- 59 i. Colt Sporter.
- 60 j. Daewoo K-1, K-2, Max-1, and Max-2.
- 61 k. FAMAS MAS 223.
- 62 l. Federal XC-900 and SC-450.
- 63 m. Fabrique National FN/FAL, FN/LAR, or FNC.
- 64 n. FNH PS90, SCAR, and FS2000.
- 65 o. Goncz High Tech Carbine.
- 66 p. Hi-Point Carbine.
- 67 q. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.
- 68 r. Kel-Tec Sub-2000, SU series, RFB.
- 69 s. M1 Carbine.
- 70 t. SAR-8, SAR-4800, SR9.
- 71 u. SIG 57 AMT and 500 Series.
- 72 v. Sig Sauer MCX Rifle.
- 73 w. SKS capable of accepting a detachable magazine.
- 74 x. SLG 95.
- 75 y. SLR 95 or 96.
- 76 z. Spectre Auto Carbine.
- 77 aa. Springfield Armory BM59, SAR-48, and G-3.
- 78 bb. Sterling MK-6 and MK-7.
- 79 cc. Steyr AUG.
- 80 dd. Sturm Ruger Mini-14 with folding stock.
- 81 ee. TNW M230, M2HB.
- 82 ff. Thompson types, including Thompson T5.
- 83 gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil Sniper
- 84 Rifle (Galatz), or Vector Arms UZI.
- 85 hh. Weaver Arms Nighthawk.
- 86 2. All of the following handguns, copies, duplicates, or
- 87 altered facsimiles with the capability of any such weapon

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- 88 thereof:
- 89 a. AK-47 pistol, Mini AK-47 pistol.
- 90 b. AR-15 pistol.
- 91 c. Australian Automatic Arms SAP pistol.
- 92 d. Bushmaster Auto Pistol.
- 93 e. Calico Liberty series pistols.
- 94 f. Encom MK-IV, MP-9, and MP-45.
- 95 g. Feather AT-9 and Mini-AT.
- 96 h. Goncz High Tech Long pistol.
- 97 i. Holmes MP-83.
- 98 j. Iver Johnson Enforcer.
- 99 k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
- 100 Velocity Arms VMA series.
- 101 l. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.
- 102 m. UZI pistol, Micro-UZI pistol.
- 103 n. Colefire Magnum.
- 104 o. Scarab Skorpion.
- 105 p. Spectre Auto pistol.
- 106 q. German Sport 522 PK.
- 107 r. Chiappa Firearms Mfour-22.
- 108 s. DSA SA58 PKP FAL.
- 109 t. I.O. Inc. PPS-43C.
- 110 u. Kel-Tec PLR-16 pistol.
- 111 v. Sig Sauer P556 pistol.
- 112 w. Thompson TA5 series pistols.
- 113 x. Wilkinson "Linda" pistol.
- 114 3. All of the following shotguns, copies, duplicates, or
- 115 altered facsimiles with the capability of any such weapon
- 116 thereof:

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- 117 a. Armscor 30 BG.
- 118 b. Franchi SPAS-12 and Law-12.
- 119 c. Remington TAC-2 or TACB3 FS.
- 120 d. SPAS 12 or LAW 12.
- 121 e. Striker 12.
- 122 f. Streetsweeper.
- 123 g. Saiga.
- 124 h. USAS-12.
- 125 i. Kel-tec KSG.
- 126 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;
- 127 5. Any semiautomatic firearm not listed in subparagraphs
1.-4. that meets the following criteria:
- 128 a. A semiautomatic rifle that has an ability to accept a
detachable magazine and has one or more of the following:
- 129 (I) A folding or telescoping stock;
- 130 (II) A pistol grip, a thumbhole stock or Thordsen-type grip
or stock, or any other characteristic that can function as a
grip;
- 131 (III) A bayonet mount;
- 132 (IV) A flash suppressor or threaded barrel designed to
accommodate a flash suppressor;
- 133 (V) A grenade launcher;
- 134 (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;

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146 b. A semiautomatic pistol that has an ability to accept a
147 detachable magazine and has one or more of the following:

148 (I) The capacity to accept an ammunition magazine that
149 attaches to the pistol at any location outside of the pistol
150 grip;

151 (II) A threaded barrel capable of accepting a barrel
152 extender, flash suppressor, forward handgrip, or silencer;

153 (III) A slide that encloses the barrel and that permits the
154 shooter to hold the firearm with the non-trigger hand without
155 being burned;

156 (IV) A manufactured weight of 50 ounces or more when the
157 pistol is unloaded;

158 (V) A semiautomatic version of an automatic firearm;

159 (VI) Any feature capable of functioning as a protruding
160 grip that can be held by the non-trigger hand; or

161 (VII) A folding, telescoping, or thumbhole stock;

162 c. A semiautomatic shotgun that has one or more of the
163 following:

164 (I) A folding or telescoping stock;

165 (II) A pistol grip, a thumbhole stock or Thordsen-type grip
166 or stock, or any other characteristic that can function as a
167 grip;

168 (III) A thumbhole stock;

169 (IV) A fixed magazine capacity in excess of 5 rounds; or

170 (V) An ability to accept a detachable magazine;

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

174 e. A part or combination of parts designed or intended to

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175 convert a firearm into an assault weapon or any combination of
176 parts from which an assault weapon may be assembled if those
177 parts are in the possession or under the control of the same
178 person.

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

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

186 (d) "Large-capacity magazine" means any ammunition feeding
187 device with the capacity to accept more than 10 rounds, or any
188 conversion kit, part, or combination of parts from which such a
189 device can be assembled if those parts are in the possession or
190 under the control of the same person, but does not include any
191 of the following:

192 1. A feeding device that has been permanently altered so
193 that it cannot accommodate more than 10 rounds;

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

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

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

199 (2) SALE OR TRANSFER.—

200 (a) Any person who, within this state, distributes,
201 transports, or imports into the state, sells, keeps for sale, or
202 offers or exposes for sale, or who gives any assault weapon or
203 large-capacity ammunition magazine, in violation of this

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204 section, except as provided in paragraph (b), commits a felony
205 of the third degree, punishable as provided in s. 775.082, s.
206 775.083, or s. 775.084, with a mandatory minimum term of
207 imprisonment of 2 years.

208 (b) Any person who transfers, sells, or gives any assault
209 weapon or large-capacity ammunition magazine to a person under
210 18 years of age in violation of this section commits a felony of
211 the second degree, punishable as provided in s. 775.082, s.
212 775.083, or s. 775.084, with a mandatory minimum term of
213 imprisonment of 6 years.

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

215 1. The sale of assault weapons or large-capacity ammunition
216 magazines to the Department of Law Enforcement, a law
217 enforcement agency, as defined in s. 934.02, the Department of
218 Corrections, or the military or naval forces of this state or of
219 the United States for use in the discharge of their official
220 duties.

221 2. A person who is the executor or administrator of an
222 estate that includes an assault weapon or large-capacity
223 ammunition magazine for which a certificate of possession has
224 been issued under this section which is disposed of as
225 authorized by the probate court, if the disposition is otherwise
226 permitted under this section.

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

230 (3) POSSESSION.—

231 (a) Except as provided in subsection (5), any person who,
232 within this state, possesses any assault weapon or large-

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233 capacity ammunition magazine, except as provided in this section
234 or as otherwise authorized by law, commits a felony of the third
235 degree, punishable as provided in s. 775.082, s. 775.083, or s.
236 775.084, with a mandatory minimum term of imprisonment of 1
237 year.

238 (b) Paragraph (a) does not apply to the possession of
239 assault weapons or large-capacity ammunition magazines by
240 members or employees of the Department of Law Enforcement, a law
241 enforcement agency, as defined in s. 934.02, the Department of
242 Corrections, or the military or naval forces of this state or of
243 the United States for use in the discharge of their official
244 duties; nor does this section prohibit the possession or use of
245 assault weapons or large-capacity ammunition magazines by sworn
246 members of these agencies when on duty and the use is within the
247 scope of their duties.

248 (c) Paragraph (a) does not apply to the possession of an
249 assault weapon or large-capacity ammunition magazine by any
250 person prior to July 1, 2020, if all of the following are
251 applicable:

252 1. The person is eligible to apply for a certificate of
253 possession for the assault weapon or large-capacity ammunition
254 magazine by July 1, 2020;

255 2. The person lawfully possessed the assault weapon or
256 large-capacity ammunition magazine prior to October 1, 2019; and
257 3. The person is otherwise in compliance with this section
258 and the applicable requirements of this chapter for possession
259 of a firearm.

260 (d) Paragraph (a) does not apply to a person who is the
261 executor or administrator of an estate that includes an assault

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262 weapon or large-capacity ammunition magazine for which a
263 certificate of possession has been issued under subsection (4),
264 if the assault weapon is possessed at a place set forth in
265 subparagraph (4) (d)1. or as authorized by the probate court.

266 (4) CERTIFICATE OF POSSESSION.—

267 (a) Any person who lawfully possesses an assault weapon or
268 large-capacity ammunition magazine prior to October 1, 2019,
269 shall apply by October 1, 2020, or, if such person is a member
270 of the military or naval forces of this state or of the United
271 States and is unable to apply by October 1, 2020, because he or
272 she is or was on official duty outside of this state, shall
273 apply within 90 days of returning to the state to the Department
274 of Law Enforcement, for a certificate of possession with respect
275 to such assault weapon or large-capacity ammunition magazine.

276 The certificate shall contain a description of the assault
277 weapon or large-capacity ammunition magazine that identifies it
278 uniquely, including all identification marks; the full name,
279 address, date of birth, and thumbprint of the owner; and any
280 other information as the department may deem appropriate. The
281 department shall adopt regulations no later than January 1,
282 2020, to establish procedures with respect to the application
283 for, and issuance of, certificates of possession pursuant to
284 this section. The thumbprint of the applicant shall be taken by
285 a law enforcement agency or the Department of Law Enforcement
286 together with any personal identifying information required by
287 federal law to process fingerprints. Charges for thumbprint
288 services under this paragraph are not subject to the sales tax
289 on fingerprint services imposed in s. 212.05(1)(i). The
290 Department of Law Enforcement shall conduct a background

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291 investigation pursuant to this subsection.

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

294 CERTIFICATE OF POSSESSION OF ASSAULT WEAPON

295 Certificate Number:

296 Owner's name: (Last, First, Middle)

297 Address: (Number, Street, City or Town, State, Zip Code) NO
298 P.O. Boxes

299 Date of Birth:

300 Social Security Number (Optional, but will help prevent
301 misidentification):

302 Driver License Number and State:

303 Manufacturer: Importer: Serial Number: Model: Caliber: Unique
304 I.D./Markings:

305 Signature of Owner

306 Applicant's Right Thumbprint

307 (c) An assault weapon or large-capacity ammunition magazine
308 possessed pursuant to this section may not be sold or
309 transferred on or after January 1, 2020, to any person within
310 this state other than to a licensed gun dealer, as provided in
311 subsection (5), or by a bequest or intestate succession. A
312 person who obtains title to an assault weapon or large-capacity
313 ammunition magazine for which a certificate of possession has
314 been issued under this section by bequest or intestate
315 succession shall, within 90 days of obtaining title, apply to
316 the Department of Law Enforcement for a certificate of
317 possession as provided in paragraph (a), render the weapon or
318 large-capacity ammunition magazine permanently inoperable, sell
319 the weapon or large-capacity ammunition magazine to a licensed

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320 gun dealer, or remove the weapon or large-capacity ammunition
321 magazine from the state. Any person who moves into the state in
322 lawful possession of an assault weapon or large-capacity
323 ammunition magazine, shall, within 90 days, either render the
324 weapon or large-capacity ammunition magazine permanently
325 inoperable, sell the weapon or large-capacity ammunition
326 magazine to a licensed gun dealer, or remove the weapon or
327 large-capacity ammunition magazine from this state, except any
328 person who is a member of the military or naval forces of this
329 state or of the United States, is in lawful possession of an
330 assault weapon or large-capacity ammunition magazine, and has
331 been transferred into the state after October 1, 2020.

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

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

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

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

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

346 5. While attending any exhibition, display, or educational
347 project which is about firearms and which is sponsored by,
348 conducted under the auspices of, or approved by a law

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349 enforcement agency or a nationally or state recognized entity
350 that fosters proficiency in, or promotes education about,
351 firearms; or

352 6. While transporting the assault weapon or large-capacity
353 ammunition magazine between any of the places mentioned in this
354 subsection, or to any licensed gun dealer for servicing or
355 repair pursuant to paragraph (7) (b), provided the assault weapon
356 or large-capacity ammunition magazine is transported as required
357 by subsection (7).

358 (e) If an applicant for a certificate of possession under
359 this subsection fails to qualify for such a certificate after
360 the investigation required under this subsection, the applicant
361 shall arrange to relinquish all assault weapons or large-
362 capacity ammunition magazines in his or her possession as
363 provided in subsection (7) within 10 days of issuance of the
364 notice of such failure. Such an applicant who fails to make such
365 an arrangement within the time specified in this paragraph is
366 thereafter in violation of this section.

367 (5) CERTIFICATE OF TRANSFER.—If an owner of an assault
368 weapon or large-capacity ammunition magazine sells or transfers
369 the weapon or magazine to a licensed gun dealer, he or she
370 shall, at the time of delivery of the weapon, execute a
371 certificate of transfer and cause the certificate to be mailed
372 or delivered to the Department of Law Enforcement. The
373 certificate shall contain:

374 (a) The date of sale or transfer.

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

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

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

382 (e) Any other information the Department of Law Enforcement
383 prescribes.

384
385 The licensed gun dealer shall present his or her driver license
386 or social security card and federal firearms license to the
387 seller or transferor for inspection at the time of purchase or
388 transfer. The Department of Law Enforcement shall maintain a
389 file of all certificates of transfer at its headquarters.

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

396 (7) TRANSPORTATION.—

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

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407 vehicle. Any person who violates this subsection commits a
408 misdemeanor of the second degree, punishable as provided in s.
409 775.082 or s. 775.083. Any licensed gun dealer may display the
410 assault weapon or large-capacity magazine at any gun show or
411 sell it to a resident outside the state.

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

417 1. A gunsmith who is in the dealer's employ; or
418 2. A gunsmith with whom the dealer has contracted for
419 gunsmithing services, provided the gunsmith receiving the
420 assault weapon holds a dealer's license issued pursuant to
421 chapter 44 of Title 18 of the United States Code, 18 U.S.C. ss.
422 921 et seq., and the regulations issued pursuant thereto.

423 (8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION
424 NOT PROHIBITED.—This section does not prohibit any person, firm,
425 or corporation engaged in the business of manufacturing assault
426 weapons or large-capacity ammunition magazines in this state
427 from manufacturing or transporting assault weapons or large-
428 capacity ammunition magazines in this state for sale within this
429 state in accordance with subparagraph (2)(c)1. or for sale
430 outside this state.

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

433 Section 2. Paragraph (a) of subsection (3) of section
434 775.087, Florida Statutes, is amended to read:

435 775.087 Possession or use of weapon; aggravated battery;

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436 felony reclassification; minimum sentence.—

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

440 a. Murder;

441 b. Sexual battery;

442 c. Robbery;

443 d. Burglary;

444 e. Arson;

445 f. Aggravated battery;

446 g. Kidnapping;

447 h. Escape;

448 i. Sale, manufacture, delivery, or intent to sell,
449 manufacture, or deliver any controlled substance;

450 j. Aircraft piracy;

451 k. Aggravated child abuse;

452 l. Aggravated abuse of an elderly person or disabled adult;

453 m. Unlawful throwing, placing, or discharging of a
454 destructive device or bomb;

455 n. Carjacking;

456 o. Home-invasion robbery;

457 p. Aggravated stalking; or

458 q. Trafficking in cannabis, trafficking in cocaine, capital
459 importation of cocaine, trafficking in illegal drugs, capital
460 importation of illegal drugs, trafficking in phencyclidine,
461 capital importation of phencyclidine, trafficking in
462 methaqualone, capital importation of methaqualone, trafficking
463 in amphetamine, capital importation of amphetamine, trafficking
464 in flunitrazepam, trafficking in gamma-hydroxybutyric acid

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465 (GHB), trafficking in 1,4-Butanediol, trafficking in
466 Phenethylamines, or other violation of s. 893.135(1);
467
468 and during the commission of the offense, such person possessed
469 a semiautomatic firearm and its high-capacity detachable box
470 magazine, an assault weapon or large-capacity magazine as
471 defined in s. 790.301, or a machine gun as defined in s.
472 790.001, shall be sentenced to a minimum term of imprisonment of
473 15 years.

474 2. Any person who is convicted of a felony or an attempt to
475 commit a felony listed in subparagraph (a)1., regardless of
476 whether the use of a weapon is an element of the felony, and
477 during the course of the commission of the felony such person
478 discharged a semiautomatic firearm and its high-capacity box
479 magazine, an assault weapon or large-capacity magazine as
480 defined in s. 790.301, or a "machine gun" as defined in s.
481 790.001 shall be sentenced to a minimum term of imprisonment of
482 20 years.

483 3. Any person who is convicted of a felony or an attempt to
484 commit a felony listed in subparagraph (a)1., regardless of
485 whether the use of a weapon is an element of the felony, and
486 during the course of the commission of the felony such person
487 discharged a semiautomatic firearm and its high-capacity box
488 magazine, an assault weapon or large-capacity magazine as
489 defined in s. 790.301, or a "machine gun" as defined in s.
490 790.001 and, as the result of the discharge, death or great
491 bodily harm was inflicted upon any person, the convicted person
492 shall be sentenced to a minimum term of imprisonment of not less
493 than 25 years and not more than a term of imprisonment of life

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494 in prison.

495 Section 3. If any provision of this act or its application
496 to any person or circumstance is held invalid, the invalidity
497 does not affect other provisions or applications of the act,
498 which can be given effect without the invalid provision or
499 application, and to this end the provisions of this act are
500 severable.

501 Section 4. This act shall take effect October 1, 2019.