${\bf By}$  Senator Farmer

	34-01324-20 20201208
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	limiting transfers of assault weapons or large-
15	capacity ammunition magazines represented by such
16	certificates; providing conditions for continued
17	possession of such weapons or large-capacity
18	ammunition magazines; providing requirements for an
19	applicant who fails to qualify for such a certificate;
20	requiring certificates of transfer for transfers of
21	assault weapons or large-capacity magazines; providing
22	requirements for certificates of transfer; requiring
23	the Department of Law Enforcement to maintain a file
24	of such certificates; providing for relinquishment of
25	assault weapons or large-capacity magazines; providing
26	requirements for transportation of assault weapons or
27	large-capacity magazines; providing criminal
28	penalties; specifying circumstances in which the
29	manufacture or transportation of assault weapons or

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30	large-capacity magazines is not prohibited; exempting
31	permanently inoperable firearms from provisions;
32	amending s. 775.087, F.S.; providing enhanced criminal
33	penalties for certain offenses when committed with an
34	assault weapon or large-capacity magazine; providing
35	severability; providing an effective date.
36	
37	Be It Enacted by the Legislature of the State of Florida:
38	
39	Section 1. Section 790.301, Florida Statutes, is created to
40	read:
41	790.301 Assault weapons.—
42	(1) DEFINITIONSAs used in this section, the term:
43	(a)1. "Assault weapon" means any selective-fire firearm
44	capable of fully automatic, semiautomatic, or burst fire at the
45	option of the user or any of the following specified
46	semiautomatic firearms:
47	a. All AK series, including, but not limited to, the
48	following: AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90,
49	NHM91, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47,
50	and Vector Arms AK-47.
51	b. All AR series, including, but not limited to, the
52	following: AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and
53	M15, Olympic Arms, AR70, DPMS Tactical Rifles, Smith & Wesson
54	M&P15 Rifles, Colt AR-15, Rock River Arms LAR-15, and DoubleStar
55	AR rifles.
56	c. Algimec AGM1.
57	d. Barrett 82A1 and REC7.
58	e. Beretta AR-70 and Beretta Storm.

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59	f. Bushmaster Auto Rifle.
60	g. Calico Liberty series.
61	h. Chartered Industries of Singapore SR-88.
62	<u>i. Colt Sporter.</u>
63	j. Daewoo K-1, K-2, Max-1, and Max-2.
64	k. FAMAS MAS 223.
65	1. Federal XC-900 and SC-450.
66	m. Fabrique National FN/FAL, FN/LAR, or FNC.
67	n. FNH PS90, SCAR, and FS2000.
68	o. Goncz High Tech Carbine.
69	p. Hi-Point Carbine.
70	q. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.
71	r. Kel-Tec Sub-2000, SU series, RFB.
72	s. M1 Carbine.
73	t. SAR-8, SAR-4800, SR9.
74	u. SIG 57 AMT and 500 Series.
75	v. SIG Sauer MCX Rifle.
76	w. SKS capable of accepting a detachable magazine.
77	<u>x. SLG 95.</u>
78	<u>y. SLR 95 or 96.</u>
79	z. Spectre Auto Carbine.
80	aa. Springfield Armory BM59, SAR-48, and G-3.
81	bb. Sterling MK-6 and MK-7.
82	cc. Steyr AUG.
83	dd. Sturm Ruger Mini-14 with folding stock.
84	ee. TNW M230, M2HB.
85	ff. Thompson types, including Thompson T5.
86	gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil Sniper
87	Rifle (Galatz), or Vector Arms UZI.

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

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117	3. All of the following shotguns, copies, duplicates, or
118	altered facsimiles with the capability of any such weapon
119	thereof:
120	a. Armscor 30 BG.
121	b. Franchi SPAS-12 and Law-12.
122	c. Remington TAC-2 or TACB3 FS.
123	d. SPAS 12 or LAW 12.
124	e. Striker 12.
125	f. Streetsweeper.
126	g. Saiga.
127	h. USAS-12.
128	i. Kel-Tec KSG.
129	4. A part or combination of parts that convert a firearm
130	into an assault weapon or any combination of parts from which an
131	assault weapon may be assembled if those parts are in the
132	possession or under the control of the same person; or
133	5. Any semiautomatic firearm not listed in subparagraphs
134	14. that meets the following criteria:
135	a. A semiautomatic rifle that has an ability to accept a
136	detachable magazine and has one or more of the following:
137	(I) A folding or telescoping stock;
138	(II) A pistol grip, a thumbhole stock or Thordsen-type grip
139	or stock, or any other characteristic that can function as a
140	grip;
141	(III) A bayonet mount;
142	(IV) A flash suppressor or threaded barrel designed to
143	accommodate a flash suppressor;
144	(V) A grenade launcher; or
145	(VI) A shroud attached to the barrel, or that partially or
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146	completely encircles the barrel allowing the bearer to hold the
147	firearm with the non-trigger hand without being burned, but
148	excludes a slide that encloses the barrel;
149	b. A semiautomatic pistol that has an ability to accept a
150	detachable magazine and has one or more of the following:
151	(I) The capacity to accept an ammunition magazine that
152	attaches to the pistol at any location outside of the pistol
153	grip;
154	(II) A threaded barrel capable of accepting a barrel
155	extender, flash suppressor, forward handgrip, or silencer;
156	(III) A slide that encloses the barrel and that permits the
157	shooter to hold the firearm with the non-trigger hand without
158	being burned;
159	(IV) A manufactured weight of 50 ounces or more when the
160	pistol is unloaded;
161	(V) A semiautomatic version of an automatic firearm;
162	(VI) Any feature capable of functioning as a protruding
163	grip that can be held by the non-trigger hand; or
164	(VII) A folding, telescoping, or thumbhole stock;
165	c. A semiautomatic shotgun that has one or more of the
166	following:
167	(I) A folding or telescoping stock;
168	(II) A pistol grip, a thumbhole stock or Thordsen-type grip
169	or stock, or any other characteristic that can function as a
170	grip;
171	(III) A thumbhole stock;
172	(IV) A fixed magazine capacity in excess of 5 rounds; or
173	(V) An ability to accept a detachable magazine; or
174	d. Any semiautomatic pistol or any semiautomatic,

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1	34-01324-20 20201208
175	centerfire, or rimfire rifle with a fixed magazine that has the
176	capacity to accept more than 10 rounds of ammunition; or
177	e. A part or combination of parts designed or intended to
178	convert a firearm into an assault weapon or any combination of
179	parts from which an assault weapon may be assembled if those
180	parts are in the possession or under the control of the same
181	person.
182	(b) "Detachable magazine" means an ammunition feeding
183	device that can be removed from a firearm without disassembly of
184	the firearm action.
185	(c) "Fixed magazine" means an ammunition feeding device
186	contained in, or permanently attached to, a firearm in such a
187	manner that the device cannot be removed without disassembly of
188	the firearm action.
189	(d) "Large-capacity magazine" means any ammunition feeding
190	device with the capacity to accept more than 10 rounds, or any
191	conversion kit, part, or combination of parts from which such a
192	device can be assembled if those parts are in the possession or
193	under the control of the same person, but does not include any
194	of the following:
195	1. A feeding device that has been permanently altered so
196	that it cannot accommodate more than 10 rounds;
197	2. A .22 caliber tube ammunition feeding device; or
198	3. A tubular magazine that is contained in a lever-action
199	firearm.
200	(e) "Licensed gun dealer" means a person who has a federal
201	firearms license.
202	(2) SALE OR TRANSFER.—
203	(a) Any person who, within this state, distributes,
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204	transports, or imports into the state, sells, keeps for sale, or
205	offers or exposes for sale, or who gives any assault weapon or
206	large-capacity ammunition magazine, in violation of this
207	section, except as provided in paragraph (b), commits a felony
208	of the third degree, punishable as provided in s. 775.082, s.
209	775.083, or s. 775.084, with a mandatory minimum term of
210	imprisonment of 2 years.
211	(b) Any person who transfers, sells, or gives any assault
212	weapon or large-capacity ammunition magazine to a person under
213	18 years of age in violation of this section commits a felony of
214	the second degree, punishable as provided in s. 775.082, s.
215	775.083, or s. 775.084, with a mandatory minimum term of
216	imprisonment of 6 years.
217	(c) Paragraph (a) does not apply to:
218	1. The sale of assault weapons or large-capacity ammunition
219	magazines to the Department of Law Enforcement, a law
220	enforcement agency, as defined in s. 934.02, the Department of
221	Corrections, or the military or naval forces of this state or of
222	the United States for use in the discharge of their official
223	duties.
224	2. A person who is the executor or administrator of an
225	estate that includes an assault weapon or large-capacity
226	ammunition magazine for which a certificate of possession has
227	been issued under this section which is disposed of as
228	authorized by the probate court, if the disposition is otherwise
229	permitted under this section.
230	3. The transfer by bequest or intestate succession of an
231	assault weapon or large-capacity ammunition magazine for which a
232	certificate of possession has been issued under subsection (4).
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233	(3) POSSESSION
234	(a) Except as provided in subsection (5), any person who,
235	within this state, possesses any assault weapon or large-
236	capacity ammunition magazine, except as provided in this section
237	or as otherwise authorized by law, commits a felony of the third
238	degree, punishable as provided in s. 775.082, s. 775.083, or s.
239	775.084, with a mandatory minimum term of imprisonment of 1
240	year.
241	(b) Paragraph (a) does not apply to the possession of
242	assault weapons or large-capacity ammunition magazines by
243	members or employees of the Department of Law Enforcement, a law
244	enforcement agency, as defined in s. 934.02, the Department of
245	Corrections, or the military or naval forces of this state or of
246	the United States for use in the discharge of their official
247	duties; nor does this section prohibit the possession or use of
248	assault weapons or large-capacity ammunition magazines by sworn
249	members of these agencies when on duty and the use is within the
250	scope of their duties.
251	(c) Paragraph (a) does not apply to the possession of an
252	assault weapon or large-capacity ammunition magazine by any
253	person prior to July 1, 2021, if all of the following are
254	applicable:
255	1. The person is eligible to apply for a certificate of
256	possession for the assault weapon or large-capacity ammunition
257	magazine by July 1, 2021;
258	2. The person lawfully possessed the assault weapon or
259	large-capacity ammunition magazine prior to October 1, 2020; and
260	3. The person is otherwise in compliance with this section
261	and the applicable requirements of this chapter for possession

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262	of a firearm.
263	(d) Paragraph (a) does not apply to a person who is the
264	executor or administrator of an estate that includes an assault
265	weapon or large-capacity ammunition magazine for which a
266	certificate of possession has been issued under subsection (4),
267	if the assault weapon is possessed at a place set forth in
268	subparagraph (4)(d)1. or as authorized by the probate court.
269	(4) CERTIFICATE OF POSSESSION
270	(a) Any person who lawfully possesses an assault weapon or
271	large-capacity ammunition magazine prior to October 1, 2020,
272	shall apply by October 1, 2021, or, if such person is a member
273	of the military or naval forces of this state or of the United
274	States and is unable to apply by October 1, 2021, because he or
275	she is or was on official duty outside of this state, shall
276	apply within 90 days of returning to the state to the Department
277	of Law Enforcement, for a certificate of possession with respect
278	to such assault weapon or large-capacity ammunition magazine.
279	The certificate shall contain a description of the assault
280	weapon or large-capacity ammunition magazine that identifies it
281	uniquely, including all identification marks; the full name,
282	address, date of birth, and thumbprint of the owner; and any
283	other information as the department may deem appropriate. The
284	department shall adopt regulations no later than January 1,
285	2021, to establish procedures with respect to the application
286	for, and issuance of, certificates of possession pursuant to
287	this section. The thumbprint of the applicant shall be taken by
288	a law enforcement agency or the Department of Law Enforcement
289	together with any personal identifying information required by
290	federal law to process fingerprints. Charges for thumbprint

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291	services under this paragraph are not subject to the sales tax
292	on fingerprint services imposed in s. 212.05(1)(i). The
293	Department of Law Enforcement shall conduct a background
294	investigation pursuant to this subsection.
295	(b) A certificate of possession issued under this
296	subsection must be in substantially the following form:
297	CERTIFICATE OF POSSESSION OF ASSAULT WEAPON
298	Certificate Number:
299	Owner's name: (Last, First, Middle)
300	Address: (Number, Street, City or Town, State, Zip Code) NO
301	P.O. Boxes
302	Date of Birth:
303	Social Security Number (Optional, but will help prevent
304	misidentification):
305	Driver License Number and State:
306	Manufacturer: Importer: Serial Number: Model: Caliber: Unique
307	I.D./Markings:
308	Signature of Owner
309	Applicant's Right Thumbprint
310	(c) An assault weapon or large-capacity ammunition magazine
311	possessed pursuant to this section may not be sold or
312	transferred on or after January 1, 2021, to any person within
313	this state other than to a licensed gun dealer, as provided in
314	subsection (5), or by a bequest or intestate succession. A
315	person who obtains title to an assault weapon or large-capacity
316	ammunition magazine for which a certificate of possession has
317	been issued under this section by bequest or intestate
318	succession shall, within 90 days of obtaining title, apply to
319	the Department of Law Enforcement for a certificate of

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320	possession as provided in paragraph (a), render the weapon or
321	large-capacity ammunition magazine permanently inoperable, sell
322	the weapon or large-capacity ammunition magazine to a licensed
323	gun dealer, or remove the weapon or large-capacity ammunition
324	magazine from the state. Any person who moves into the state in
325	lawful possession of an assault weapon or large-capacity
326	ammunition magazine shall, within 90 days, either render the
327	weapon or large-capacity ammunition magazine permanently
328	inoperable, sell the weapon or large-capacity ammunition
329	magazine to a licensed gun dealer, or remove the weapon or
330	large-capacity ammunition magazine from this state, except any
331	person who is a member of the military or naval forces of this
332	state or of the United States, is in lawful possession of an
333	assault weapon or large-capacity ammunition magazine, and has
334	been transferred into the state after October 1, 2021.
335	(d) A person who has been issued a certificate of
336	possession for an assault weapon or large-capacity ammunition
337	magazine under this section may possess it only under the
338	following conditions:
339	1. At that person's residence, place of business, or other
340	property owned by that person, or on property owned by another
341	person with the owner's express permission;
342	2. While on the premises of a target range of a public or
343	private club or organization organized for the purpose of
344	practicing shooting at targets;
345	3. While on a target range that holds a regulatory or
346	business license for the purpose of practicing shooting at that
347	target range;
348	4. While on the premises of a licensed shooting club;
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349	5. While attending any exhibition, display, or educational
350	project which is about firearms and which is sponsored by,
351	conducted under the auspices of, or approved by a law
352	enforcement agency or a nationally or state-recognized entity
353	that fosters proficiency in, or promotes education about,
354	firearms; or
355	6. While transporting the assault weapon or large-capacity
356	ammunition magazine between any of the places mentioned in this
357	subsection, or to any licensed gun dealer for servicing or
358	repair pursuant to paragraph (7)(b), provided the assault weapon
359	or large-capacity ammunition magazine is transported as required
360	by subsection (7).
361	(e) If an applicant for a certificate of possession under
362	this subsection fails to qualify for such a certificate after
363	the investigation required under this subsection, the applicant
364	shall arrange to relinquish all assault weapons or large-
365	capacity ammunition magazines in his or her possession as
366	provided in subsection (7) within 10 days of issuance of the
367	notice of such failure. Such an applicant who fails to make such
368	an arrangement within the time specified in this paragraph is
369	thereafter in violation of this section.
370	(5) CERTIFICATE OF TRANSFERIf an owner of an assault
371	weapon or large-capacity ammunition magazine sells or transfers
372	the weapon or magazine to a licensed gun dealer, he or she
373	shall, at the time of delivery of the weapon, execute a
374	certificate of transfer and cause the certificate to be mailed
375	or delivered to the Department of Law Enforcement. The
376	certificate shall contain:
377	(a) The date of sale or transfer.

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378	(b) The name and address of the seller or transferor and
379	the licensed gun dealer and their social security numbers or
380	driver license numbers.
381	(c) The licensed gun dealer's federal firearms license
382	number.
383	(d) A description of the weapon, including the caliber of
384	the weapon and its make, model, and serial number.
385	(e) Any other information the Department of Law Enforcement
386	prescribes.
387	
388	The licensed gun dealer shall present his or her driver license
389	or social security card and federal firearms license to the
390	seller or transferor for inspection at the time of purchase or
391	transfer. The Department of Law Enforcement shall maintain a
392	file of all certificates of transfer at its headquarters.
393	(6) RELINQUISHMENTAn individual may arrange in advance to
394	relinquish an assault weapon or large-capacity ammunition
395	magazine to a law enforcement agency, as defined in s. 934.02,
396	or the Department of Law Enforcement. The assault weapon or
397	large-capacity ammunition magazine shall be transported in
398	accordance with subsection (7).
399	(7) TRANSPORTATION.—
400	(a) A licensed gun dealer who lawfully purchases for resale
401	out of state an assault weapon or large-capacity magazine
402	pursuant to subsection (2) may transport the assault weapon or
403	large-capacity magazine between dealers or out of the state, but
404	no person shall carry a loaded assault weapon concealed from
405	public view or knowingly have in any motor vehicle owned,
406	operated, or occupied by him a loaded assault weapon, or an

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407	unloaded assault weapon, unless such weapon is kept in the trunk
408	of such vehicle or in a case or other container which is
409	inaccessible to the operator of or any passenger in such
410	vehicle. Any person who violates this subsection commits a
411	misdemeanor of the second degree, punishable as provided in s.
412	775.082 or s. 775.083. Any licensed gun dealer may display the
413	assault weapon or large-capacity magazine at any gun show or
414	sell it to a resident outside the state.
415	(b) Any licensed gun dealer may transfer possession of any
416	assault weapon or large-capacity ammunition magazine received
417	pursuant to paragraph (a) to a gunsmith for purposes of
418	accomplishing service or repair of the same. Transfers are
419	permissible only to the following persons:
420	1. A gunsmith who is in the dealer's employ; or
421	2. A gunsmith with whom the dealer has contracted for
422	gunsmithing services, provided the gunsmith receiving the
423	assault weapon holds a dealer's license issued pursuant to
424	chapter 44 of Title 18 of the United States Code, 18 U.S.C. ss.
425	921 et seq., and the regulations issued pursuant thereto.
426	(8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION
427	NOT PROHIBITEDThis section does not prohibit any person, firm,
428	or corporation engaged in the business of manufacturing assault
429	weapons or large-capacity ammunition magazines in this state
430	from manufacturing or transporting assault weapons or large-
431	capacity ammunition magazines in this state for sale within this
432	state in accordance with subparagraph (2)(c)1. or for sale
433	outside this state.
434	(9) EXCEPTIONThis section does not apply to any firearm
435	modified to render it permanently inoperable.

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436	Section 2. Paragraph (a) of subsection (3) of section
437	775.087, Florida Statutes, is amended to read:
438	775.087 Possession or use of weapon; aggravated battery;
439	felony reclassification; minimum sentence
440	(3)(a)1. Any person who is convicted of a felony or an
441	attempt to commit a felony, regardless of whether the use of a
442	firearm is an element of the felony, and the conviction was for:
443	a. Murder;
444	b. Sexual battery;
445	c. Robbery;
446	d. Burglary;
447	e. Arson;
448	f. Aggravated battery;
449	g. Kidnapping;
450	h. Escape;
451	i. Sale, manufacture, delivery, or intent to sell,
452	manufacture, or deliver any controlled substance;
453	j. Aircraft piracy;
454	k. Aggravated child abuse;
455	l. Aggravated abuse of an elderly person or disabled adult;
456	m. Unlawful throwing, placing, or discharging of a
457	destructive device or bomb;
458	n. Carjacking;
459	o. Home-invasion robbery;
460	p. Aggravated stalking; or
461	q. Trafficking in cannabis, trafficking in cocaine, capital
462	importation of cocaine, trafficking in illegal drugs, capital
463	importation of illegal drugs, trafficking in phencyclidine,
464	capital importation of phencyclidine, trafficking in
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465	methaqualone, capital importation of methaqualone, trafficking
466	in amphetamine, capital importation of amphetamine, trafficking
467	in flunitrazepam, trafficking in gamma-hydroxybutyric acid
468	(GHB), trafficking in 1,4-Butanediol, trafficking in
469	Phenethylamines, or other violation of s. 893.135(1);
470	
471	and during the commission of the offense, such person possessed
472	a semiautomatic firearm and its high-capacity detachable box
473	magazine, an assault weapon or a large-capacity magazine as
474	those terms are defined in s. 790.301, or a machine gun as
475	defined in s. 790.001, shall be sentenced to a minimum term of
476	imprisonment of 15 years.
477	2. Any person who is convicted of a felony or an attempt to
478	commit a felony listed in subparagraph (a)1., regardless of
479	whether the use of a weapon is an element of the felony, and
480	during the course of the commission of the felony such person
481	discharged a semiautomatic firearm and its high-capacity box
482	magazine, an assault weapon or a large-capacity magazine as
483	those terms are defined in s. 790.301, or a "machine gun" as
484	defined in s. 790.001 shall be sentenced to a minimum term of
485	imprisonment of 20 years.
486	3. Any person who is convicted of a felony or an attempt to
487	commit a felony listed in subparagraph (a)1., regardless of
488	whether the use of a weapon is an element of the felony, and
489	during the course of the commission of the felony such person
490	discharged a semiautomatic firearm and its high-capacity box
491	magazine, an assault weapon or a large-capacity magazine as
492	those terms are defined in s. 790.301, or a "machine gun" as
493	defined in s. 790.001 and, as the result of the discharge, death

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494	or great bodily harm was inflicted upon any person, the
495	convicted person shall be sentenced to a minimum term of
496	imprisonment of not less than 25 years and not more than a term
497	of imprisonment of life in prison.
498	Section 3. If any provision of this act or its application
499	to any person or circumstance is held invalid, the invalidity
500	does not affect other provisions or applications of the act
501	which can be given effect without the invalid provision or
502	application, and to this end the provisions of this act are
503	severable.
504	Section 4. This act shall take effect October 1, 2020.