

1 A bill to be entitled
 2 An act relating to reclassification of offenses
 3 involving certain firearms or firearm accessories;
 4 amending s. 775.087, F.S.; providing for
 5 reclassification of offenses committed while in
 6 possession of a firearm or weapon capable of holding
 7 more than 13 rounds of ammunition, possession of two
 8 or more firearms, or a firearm and specified
 9 accessories; providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Subsection (1) of section 775.087, Florida
 14 Statutes, is amended to read:

15 775.087 Possession or use of weapon; aggravated battery;
 16 felony reclassification; minimum sentence.—

17 (1) (a) Unless otherwise provided by law, whenever a person
 18 is charged with a felony, except a felony in which the use of a
 19 weapon or firearm is an essential element, and during the
 20 commission of such felony the defendant carries, displays, uses,
 21 threatens to use, or attempts to use any weapon or firearm, or
 22 during the commission of such felony the defendant commits an
 23 aggravated battery, the felony for which the person is charged
 24 shall be reclassified as follows:

25 ~~1.(a)~~ In the case of a felony of the first degree, to a

26 life felony.

27 2.~~(b)~~ In the case of a felony of the second degree, to a
28 felony of the first degree.

29 3.~~(e)~~ In the case of a felony of the third degree, to a
30 felony of the second degree.

31 (b)1. In addition to any other classification of an
32 offense provided by law, whenever a person commits a misdemeanor
33 or felony, and during the commission of such offense the person
34 carries, displays, uses, threatens to use, or attempts to use a
35 weapon or firearm capable of holding 13 or more rounds of
36 ammunition without the necessity of reloading, the person
37 possesses two or more firearms, the person possesses a firearm
38 with a bump-fire stock, or the person possesses a firearm and
39 possesses more than one firearm magazine capable of being used
40 in the firearm, the offense for which the person is charged
41 shall be reclassified as follows:

42 a. In the case of a felony of the first degree, to a life
43 felony.

44 b. In the case of a felony of the second degree, to a
45 felony of the first degree.

46 c. In the case of a felony of the third degree, to a
47 felony of the second degree.

48 d. In the case of a misdemeanor of the first degree, to a
49 felony of the third degree.

50 e. In the case of a misdemeanor of the second degree, to a

51 misdemeanor of the first degree.

52 2. As used in this paragraph, the term "bump-fire stock"
53 means a gun conversion kit, a tool, an accessory, or a device
54 used to alter the rate of fire of a firearm to mimic automatic
55 weapon fire or which is used to increase the rate of fire of a
56 semiautomatic firearm to a faster rate than is possible for a
57 person to fire such semiautomatic firearm unassisted by a kit, a
58 tool, an accessory, or a device.

59

60 For purposes of sentencing under chapter 921 and determining
61 incentive gain-time eligibility under chapter 944, a felony
62 offense which is reclassified under this subsection ~~section~~ is
63 ranked one level above the ranking under s. 921.0022 or s.
64 921.0023 of the felony offense committed.

65 Section 2. This act shall take effect October 1, 2018.