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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Rodriguez) recommended the following:

1 **Senate Amendment to Amendment (345360) (with title**
2 **amendment)**

3
4 Between lines 209 and 210

5 insert:

6 Section 8. Section 790.30, Florida Statutes, is created to
7 read:

8 790.30 Assault weapons.—

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

10 (a) "Assault weapon" means:

11 1. A selective-fire firearm capable of fully automatic,



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12 semiautomatic, or burst fire at the option of the user or any of
13 the following specified semiautomatic firearms:

14 a. Algimec AGM1.

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

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

24 d. Barrett 82A1 and REC7.

25 e. Beretta AR-70 and Beretta Storm.

26 f. Bushmaster automatic rifle.

27 g. Calico Liberty series rifles.

28 h. Chartered Industries of Singapore SR-88.

29 i. Colt Sporter.

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

31 k. FAMAS MAS .223.

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

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

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

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

37 p. Goncz High-Tech carbine.

38 q. Hi-Point carbine.

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

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



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- 41 t. M1 carbine.
- 42 u. M2HB and TNW M230.
- 43 v. Ruger Mini-14 with folding stock.
- 44 w. SAR-8, SAR-4800, and SR9.
- 45 x. SIG 57 AMT and 500 Series.
- 46 y. Sig Sauer MCX rifle.
- 47 z. SKS capable of accepting a detachable magazine.
- 48 aa. SLG 95.
- 49 bb. SLR 95 and 96.
- 50 cc. Spectre automatic carbine.
- 51 dd. Springfield Armory BM59, G-3, and SAR-48.
- 52 ee. Sterling MK-6 and MK-7.
- 53 ff. Steyr AUG.
- 54 gg. Thompson series, including Thompson T5.
- 55 hh. Weaver Arms Nighthawk.
- 56 2. All of the following handguns, copies, duplicates, or
- 57 altered facsimiles with the capability of any such weapon
- 58 thereof:
- 59 a. AK-47 pistol and Mini AK-47 pistol.
- 60 b. AR-15 pistol.
- 61 c. Australian Automatic Arms SAP pistol.
- 62 d. Bushmaster automatic pistol.
- 63 e. Calico Liberty series pistols.
- 64 f. Chiappa Firearms Mfour-22.
- 65 g. Colefire Magnum.
- 66 h. DSA SA58 PKP FAL.
- 67 i. Encom MK-IV, MP-9, and MP-45.
- 68 j. Feather AT-9 and Mini-AT.
- 69 k. German Sport 522 PK.



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- 70 l. Goncz High-Tech Long pistol.
71 m. Holmes MP-83.
72 n. Intratec AB-10, TEC-9, TEC-22 Scorpion, and TEC-DC9.
73 o. I.O. Inc. PPS-43C.
74 p. Iver Johnson Enforcer.
75 q. Kel-Tec PLR-16 pistol.
76 r. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
77 Velocity Arms VMA series.
78 s. Scarab Skorpion.
79 t. Sig Sauer P556 pistol.
80 u. Spectre automatic pistol.
81 v. Thompson TA5 series pistols.
82 w. UZI pistol and Micro-UZI pistol.
83 x. Wilkinson "Linda" pistol.
84 3. All of the following shotguns, copies, duplicates, or
85 altered facsimiles with the capability of any such weapon
86 thereof:
87 a. Armscor 30 BG.
88 b. Franchi LAW-12 and SPAS-12.
89 c. Kel-Tec KSG.
90 d. Remington TAC-2 and TACB3 FS.
91 e. Saiga.
92 f. Streetsweeper.
93 g. Striker 12.
94 h. USAS-12.
95 4. A part or combination of parts that convert a firearm
96 into an assault weapon, or any combination of parts from which
97 an assault weapon may be assembled if those parts are in the
98 possession or under the control of the same person.



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99 5. A semiautomatic firearm not listed in this paragraph
100 which meets the criteria of one of the following sub-
101 subparagraphs:
102 a. A semiautomatic rifle that has an ability to accept a
103 detachable magazine and that has one or more of the following:
104 (I) A folding or telescoping stock.
105 (II) A pistol grip that protrudes conspicuously beneath the
106 action of the weapon or any feature functioning as a protruding
107 grip that can be held by the nontrigger hand or a thumbhole
108 stock.
109 (III) A bayonet mount.
110 (IV) A flash suppressor or threaded barrel designed to
111 accommodate a flash suppressor.
112 (V) A grenade launcher.
113 (VI) A shroud that is attached to the barrel, or that
114 partially or completely encircles the barrel and allows the
115 bearer to hold the firearm with the nontrigger hand without
116 being burned, but excluding a slide that encloses the barrel.
117 b. A semiautomatic pistol that has an ability to accept a
118 detachable magazine and that has one or more of the following:
119 (I) The capacity to accept an ammunition magazine that
120 attaches to the pistol at any location outside the pistol grip.
121 (II) A threaded barrel capable of accepting a barrel
122 extender, flash suppressor, forward handgrip, or silencer.
123 (III) A slide that encloses the barrel and that allows the
124 shooter to hold the firearm with the nontrigger hand without
125 being burned.
126 (IV) A manufactured weight of 50 ounces or more when the
127 pistol is unloaded.



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- 128 (V) A semiautomatic version of an automatic firearm.
129 (VI) Any feature capable of functioning as a protruding
130 grip that can be held by the nontrigger hand.
131 (VII) A folding, telescoping, or thumbhole stock.
132 c. A semiautomatic shotgun that has one or more of the
133 following:
134 (I) A folding or telescoping stock.
135 (II) A pistol grip that protrudes conspicuously beneath the
136 action of the weapon.
137 (III) A thumbhole stock.
138 (IV) A fixed-magazine capacity in excess of 5 rounds.
139 (V) An ability to accept a detachable magazine.
140 d. A semiautomatic pistol or a semiautomatic, centerfire,
141 or rimfire rifle with a fixed magazine that has the capacity to
142 accept more than 10 rounds of ammunition.
143 e. A part or combination of parts designed or intended to
144 convert a firearm into an assault weapon, or any combination of
145 parts from which an assault weapon may be assembled if those
146 parts are in the possession or under the control of the same
147 person.
148 (b) "Detachable magazine" means an ammunition feeding
149 device that can be removed from a firearm without disassembly of
150 the firearm action.
151 (c) "Fixed magazine" means an ammunition feeding device
152 contained in, or permanently attached to, a firearm in such a
153 manner that the device cannot be removed without disassembly of
154 the firearm action.
155 (d) "Large-capacity magazine" means any ammunition feeding
156 device with the capacity to accept more than 7 rounds, or any



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157 conversion kit, part, or combination of parts from which such a
158 device can be assembled if those parts are in the possession or
159 under the control of the same person, but does not include any
160 of the following:

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

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

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

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

168 (2) SALE OR TRANSFER.—

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

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

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

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



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186 Corrections, or to the military, air, or naval forces of this
187 state or the United States for use in the discharge of their
188 official duties.

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

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

198 (3) POSSESSION.—

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

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



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215 the scope of his or her duties.

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

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

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

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

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

234 (4) CERTIFICATE OF POSSESSION.—

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



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244 contain a description of the assault weapon or large-capacity
245 magazine which identifies the assault weapon or large-capacity
246 magazine uniquely, including all identification marks; the full
247 name, address, date of birth, and thumbprint of the owner; and
248 any other information as the department may deem appropriate.

249 The department shall adopt rules no later than January 1, 2019,
250 to establish procedures with respect to the application for, and
251 issuance of, certificates of possession under this section.

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

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

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



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273 naval forces of this state or of the United States, is in lawful
274 possession of an assault weapon or large-capacity magazine, and
275 has been transferred into the state after October 1, 2019.

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

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

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

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

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

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

294 6. Transporting the assault weapon or large-capacity
295 magazine between any of the places mentioned in this paragraph,
296 or from or to any licensed gun dealer for servicing or repair
297 pursuant to paragraph (7) (b), provided the assault weapon or
298 large-capacity magazine is transported as required by subsection
299 (7).

300 (5) CERTIFICATE OF TRANSFER.—If an owner of an assault
301 weapon or large-capacity magazine sells or transfers the weapon



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302 or magazine to a licensed gun dealer, he or she must, at the
303 time of delivery of the weapon, execute a certificate of
304 transfer and cause the certificate to be mailed or delivered to
305 the Department of Law Enforcement. The certificate must contain:

306 (a) The date of sale or transfer.

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

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

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

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

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

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

327 (7) TRANSPORTATION.—

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



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

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

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

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



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360 with subparagraph (2)(c)1. or for sale outside this state.

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

363 Section 9. Paragraph (a) of subsection (3) of section
364 775.087, Florida Statutes, is amended to read:

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

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

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



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

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

404 2. Any person who is convicted of a felony or an attempt to
405 commit a felony listed in subparagraph (a)1., regardless of
406 whether the use of a weapon is an element of the felony, and
407 during the course of the commission of the felony such person
408 discharged a semiautomatic firearm and its high-capacity box
409 magazine, an assault weapon and its large-capacity magazine as
410 defined in s. 790.30, or a "machine gun" as defined in s.
411 790.001 shall be sentenced to a minimum term of imprisonment of
412 20 years.

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



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

425 Section 10. For the purpose of incorporating the amendment
426 made by this act to section 775.087, Florida Statutes, in a
427 reference thereto, section 27.366, Florida Statutes, is
428 reenacted to read:

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



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447 Section 11. For the purpose of incorporating the amendment
448 made by this act to section 775.087, Florida Statutes, in a
449 reference thereto, paragraph (b) of subsection (1) of section
450 921.0024, Florida Statutes, is reenacted to read:

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

453 (1)

454 (b) WORKSHEET KEY:

455

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

460

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

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

471 2. If the community sanction violation is committed by a
472 violent felony offender of special concern as defined in s.
473 948.06:

474 a. Twelve (12) community sanction violation points are
475 assessed for the violation and for each successive violation of



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476 felony probation or community control where:

477 I. The violation does not include a new felony conviction;
478 and

479 II. The community sanction violation is not based solely on
480 the probationer or offender's failure to pay costs or fines or
481 make restitution payments.

482 b. Twenty-four (24) community sanction violation points are
483 assessed for the violation and for each successive violation of
484 felony probation or community control where the violation
485 includes a new felony conviction.

486

487 Multiple counts of community sanction violations before the
488 sentencing court shall not be a basis for multiplying the
489 assessment of community sanction violation points.

490

491 Prior serious felony points: If the offender has a primary
492 offense or any additional offense ranked in level 8, level 9, or
493 level 10, and one or more prior serious felonies, a single
494 assessment of thirty (30) points shall be added. For purposes of
495 this section, a prior serious felony is an offense in the
496 offender's prior record that is ranked in level 8, level 9, or
497 level 10 under s. 921.0022 or s. 921.0023 and for which the
498 offender is serving a sentence of confinement, supervision, or
499 other sanction or for which the offender's date of release from
500 confinement, supervision, or other sanction, whichever is later,
501 is within 3 years before the date the primary offense or any
502 additional offense was committed.

503

504 Prior capital felony points: If the offender has one or more



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

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

527
528 Sentencing multipliers:

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



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534 court to reduce or suspend the sentence of a person convicted of
535 a level 7 or level 8 offense, if the offender provides
536 substantial assistance as described in s. 893.135(4).

537

538 Law enforcement protection: If the primary offense is a
539 violation of the Law Enforcement Protection Act under s.
540 775.0823(2), (3), or (4), the subtotal sentence points are
541 multiplied by 2.5. If the primary offense is a violation of s.
542 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
543 are multiplied by 2.0. If the primary offense is a violation of
544 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
545 Protection Act under s. 775.0823(10) or (11), the subtotal
546 sentence points are multiplied by 1.5.

547

548 Grand theft of a motor vehicle: If the primary offense is grand
549 theft of the third degree involving a motor vehicle and in the
550 offender's prior record, there are three or more grand thefts of
551 the third degree involving a motor vehicle, the subtotal
552 sentence points are multiplied by 1.5.

553

554 Offense related to a criminal gang: If the offender is convicted
555 of the primary offense and committed that offense for the
556 purpose of benefiting, promoting, or furthering the interests of
557 a criminal gang as defined in s. 874.03, the subtotal sentence
558 points are multiplied by 1.5. If applying the multiplier results
559 in the lowest permissible sentence exceeding the statutory
560 maximum sentence for the primary offense under chapter 775, the
561 court may not apply the multiplier and must sentence the
562 defendant to the statutory maximum sentence.



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

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

Section 12. For the purpose of incorporating the amendment made by this act to section 775.087, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 947.146, Florida Statutes, is reenacted to read:



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592 947.146 Control Release Authority.—

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

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

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620 In making control release eligibility determinations under this



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621 subsection, the authority may rely on any document leading to or
622 generated during the course of the criminal proceedings,
623 including, but not limited to, any presentence or postsentence
624 investigation or any information contained in arrest reports
625 relating to circumstances of the offense.

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

628 And the title is amended as follows:

629 Between lines 1761 and 1762

630 insert:

631 creating s. 790.30, F.S.; defining terms; prohibiting
632 the sale or transfer of an assault weapon or large-
633 capacity magazine; providing criminal penalties;
634 providing exceptions to the prohibition; prohibiting
635 possession of an assault weapon or large-capacity
636 magazine; providing criminal penalties; providing
637 exceptions to the prohibition; requiring that a person
638 who lawfully possessed such a weapon or magazine
639 before a specified date obtain a certificate of
640 possession; providing requirements for the
641 certificate; requiring the Department of Law
642 Enforcement to adopt rules by a certain date; limiting
643 transfers of assault weapons or large-capacity
644 magazines represented by such certificates as of a
645 specified date; providing conditions for continued
646 possession of such weapons or magazines; requiring
647 certificates of transfer for the sale or transfer of
648 such weapons or magazines; requiring that the
649 department maintain records of such sales or



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