

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 1465 — Firearm and Destructive Device Offenses

by Judiciary Committee and Reps. Garrison, Snyder, and others (CS/SB 1456 by Fiscal Policy Committee and Senator Avila)

The bill (Chapter 2023-87, L.O.F.) expands the scope of the “10-20-Life” statute (s. 775.087, F.S.) to provide for mandatory minimum terms of imprisonment for firearm-related human trafficking, enhances punishment for theft and repeat theft of a firearm, and enhances the detention assessment process and secure detention period for juveniles who unlawfully possess or use firearms.

The bill amends s. 775.087, F.S., to provide for the following mandatory minimum terms of imprisonment for committing human trafficking while possessing or discharging a firearm or other specified weapon:

- 10 years for possession of a firearm;
- 15 years for possession of a semi-automatic/machine gun;
- 20 years for discharge of a firearm (any type); and
- 25 years to life imprisonment for discharge with great bodily injury or death.

The bill amends s. 921.0022, F.S., to increase the Criminal Punishment Code offense severity level ranking (from level 4 to level 6) for theft of a firearm.

The bill amends ss. 812.014 and 921.0022, F.S., to create a level 7 second degree felony for repeat theft of a firearm.

The bill amends s. 790.22, F.S., to increase from 3 days to 5 days the period of secure detention available for a juvenile who unlawfully possesses a firearm, and also increases the secure detention period from 15 days to 21 days for a repeat violation.

The bill amends s. 985.24, F.S., to require that a juvenile’s unlawful use of a firearm be considered in all determinations and court orders regarding the use of detention care.

The bill amends s. 985.245, F.S., to require the juvenile risk assessment instrument take into consideration a juvenile’s unlawful use of a firearm.

The bill amends s. 985.25, F.S., to require that a juvenile charged with any offense involving possession or use of a firearm be placed in secure detention until the juvenile’s detention hearing.

Finally, the bill amends s. 985.26, F.S., to provide that upon good cause (as specified in the statute) being shown to warrant an extension, a court may extend the length of secure detention care for up to an additional 21 days if a juvenile is charged with any offense involving the possession or use of a firearm.

These provisions were approved by the Governor and take effect October 1, 2023.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
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Vote: Senate 39-1; House 96-5