

1 A bill to be entitled
 2 An act relating to possession of a firearm or
 3 destructive device during the commission of an
 4 offense; amending s. 775.087, F.S.; providing that an
 5 exception to the 10-year minimum term for persons
 6 convicted of certain offenses during which the person
 7 actually possessed a firearm or destructive device
 8 does not to apply to offenders convicted for
 9 possession of a firearm by a felon who have certain
 10 prior convictions; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Paragraph (a) of subsection (2) of section
 15 775.087, Florida Statutes, is amended to read:

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

18 (2)(a)1. Any person who is convicted of a felony or an
 19 attempt to commit a felony, regardless of whether the use of a
 20 weapon is an element of the felony, and the conviction was for:

- 21 a. Murder;
- 22 b. Sexual battery;
- 23 c. Robbery;
- 24 d. Burglary;
- 25 e. Arson;
- 26 f. Aggravated assault;
- 27 g. Aggravated battery;
- 28 h. Kidnapping;

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- 29 i. Escape;
- 30 j. Aircraft piracy;
- 31 k. Aggravated child abuse;
- 32 l. Aggravated abuse of an elderly person or disabled
- 33 adult;
- 34 m. Unlawful throwing, placing, or discharging of a
- 35 destructive device or bomb;
- 36 n. Carjacking;
- 37 o. Home-invasion robbery;
- 38 p. Aggravated stalking;
- 39 q. Trafficking in cannabis, trafficking in cocaine,
- 40 capital importation of cocaine, trafficking in illegal drugs,
- 41 capital importation of illegal drugs, trafficking in
- 42 phencyclidine, capital importation of phencyclidine, trafficking
- 43 in methaqualone, capital importation of methaqualone,
- 44 trafficking in amphetamine, capital importation of amphetamine,
- 45 trafficking in flunitrazepam, trafficking in gamma-
- 46 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
- 47 trafficking in Phenethylamines, or other violation of s.
- 48 893.135(1); or
- 49 r. Possession of a firearm by a felon

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 51 and during the commission of the offense, such person actually
 52 possessed a "firearm" or "destructive device" as those terms are
 53 defined in s. 790.001, or such a person convicted for possession
 54 of a firearm by a felon has a previous conviction of a felony or
 55 an attempt to commit a felony listed in s. 775.084(1)(b)1.,
 56 shall be sentenced to a minimum term of imprisonment of 10

57 | years, except that a person who is convicted for aggravated
58 | assault, possession of a firearm by a felon, or burglary of a
59 | conveyance shall be sentenced to a minimum term of imprisonment
60 | of 3 years if such person possessed a "firearm" or "destructive
61 | device" during the commission of the offense.

62 | 2. Any person who is convicted of a felony or an attempt
63 | to commit a felony listed in sub-subparagraphs (a)1.a.-q.,
64 | regardless of whether the use of a weapon is an element of the
65 | felony, and during the course of the commission of the felony
66 | such person discharged a "firearm" or "destructive device" as
67 | defined in s. 790.001 shall be sentenced to a minimum term of
68 | imprisonment of 20 years.

69 | 3. Any person who is convicted of a felony or an attempt
70 | to commit a felony listed in sub-subparagraphs (a)1.a.-q.,
71 | regardless of whether the use of a weapon is an element of the
72 | felony, and during the course of the commission of the felony
73 | such person discharged a "firearm" or "destructive device" as
74 | defined in s. 790.001 and, as the result of the discharge, death
75 | or great bodily harm was inflicted upon any person, the
76 | convicted person shall be sentenced to a minimum term of
77 | imprisonment of not less than 25 years and not more than a term
78 | of imprisonment of life in prison.

79 | Section 2. This act shall take effect July 1, 2012.