

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 and actually possessed a firearm or
 11 destructive device during the commission of the prior
 12 felony; providing an effective date.

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

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 16 Section 1. Paragraph (a) of subsection (2) of section
 17 775.087, Florida Statutes, is amended to read:

18 775.087 Possession or use of weapon; aggravated battery;
 19 felony reclassification; minimum sentence.—

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

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

- 29 g. Aggravated battery;
- 30 h. Kidnapping;
- 31 i. Escape;
- 32 j. Aircraft piracy;
- 33 k. Aggravated child abuse;
- 34 l. Aggravated abuse of an elderly person or disabled
- 35 adult;
- 36 m. Unlawful throwing, placing, or discharging of a
- 37 destructive device or bomb;
- 38 n. Carjacking;
- 39 o. Home-invasion robbery;
- 40 p. Aggravated stalking;
- 41 q. Trafficking in cannabis, trafficking in cocaine,
- 42 capital importation of cocaine, trafficking in illegal drugs,
- 43 capital importation of illegal drugs, trafficking in
- 44 phencyclidine, capital importation of phencyclidine, trafficking
- 45 in methaqualone, capital importation of methaqualone,
- 46 trafficking in amphetamine, capital importation of amphetamine,
- 47 trafficking in flunitrazepam, trafficking in gamma-
- 48 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
- 49 trafficking in Phenethylamines, or other violation of s.
- 50 893.135(1); or
- 51 r. Possession of a firearm by a felon
- 52
- 53 and during the commission of the offense, such person actually
- 54 possessed a "firearm" or "destructive device" as those terms are
- 55 defined in s. 790.001, shall be sentenced to a minimum term of
- 56 imprisonment of 10 years, except that a person who is convicted

57 | for aggravated assault, possession of a firearm by a felon, or
58 | burglary of a conveyance shall be sentenced to a minimum term of
59 | imprisonment of 3 years if such person possessed a "firearm" or
60 | "destructive device" during the commission of the offense.
61 | However, if an offender who is convicted of the offense of
62 | possession of a firearm by a felon has a previous conviction of
63 | committing or attempting to commit a felony listed in s.
64 | 775.084(1)(b)1. and actually possessed a firearm or destructive
65 | device during the commission of the prior felony, the offender
66 | shall be sentenced to a minimum term of imprisonment of 10
67 | years.

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

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

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