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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
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The Committee on Appropriations (Stewart) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 382 and 383

insert:

Section 1. Section 790.30, Florida Statutes, is created to read:

790.30 Assault weapons.—

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

(a) "Assault weapon" means:

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



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

13 a. Algimec AGM1.

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

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

23 d. Barrett 82A1 and REC7.

24 e. Beretta AR-70 and Beretta Storm.

25 f. Bushmaster automatic rifle.

26 g. Calico Liberty series rifles.

27 h. Chartered Industries of Singapore SR-88.

28 i. Colt Sporter.

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

30 k. FAMAS MAS .223.

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

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

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

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

36 p. Goncz High-Tech carbine.

37 q. Hi-Point carbine.

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

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



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



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



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98           5. A semiautomatic firearm not listed in this paragraph  
99 which meets the criteria of one of the following sub-  
100 subparagraphs:

101           a. A semiautomatic rifle that has an ability to accept a  
102 detachable magazine and that has one or more of the following:

103           (I) A folding or telescoping stock.

104           (II) A pistol grip that protrudes conspicuously beneath the  
105 action of the weapon or any feature functioning as a protruding  
106 grip that can be held by the nontrigger hand or a thumbhole  
107 stock.

108           (III) A bayonet mount.

109           (IV) A flash suppressor or threaded barrel designed to  
110 accommodate a flash suppressor.

111           (V) A grenade launcher.

112           (VI) A shroud that is attached to the barrel, or that  
113 partially or completely encircles the barrel and allows the  
114 bearer to hold the firearm with the nontrigger hand without  
115 being burned, but excluding a slide that encloses the barrel.

116           b. A semiautomatic pistol that has an ability to accept a  
117 detachable magazine and that has one or more of the following:

118           (I) The capacity to accept an ammunition magazine that  
119 attaches to the pistol at any location outside the pistol grip.

120           (II) A threaded barrel capable of accepting a barrel  
121 extender, flash suppressor, forward handgrip, or silencer.

122           (III) A slide that encloses the barrel and that allows the  
123 shooter to hold the firearm with the nontrigger hand without  
124 being burned.

125           (IV) A manufactured weight of 50 ounces or more when the  
126 pistol is unloaded.



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



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

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

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

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

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

167 (2) SALE OR TRANSFER.—

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

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

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

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



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

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

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

197 (3) POSSESSION.—

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

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





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214 the scope of his or her duties.

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

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

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

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

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

233 (4) CERTIFICATE OF POSSESSION.—

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



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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

305 (a) The date of sale or transfer.

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

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

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

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

315  
316 The licensed gun dealer shall present his or her driver license  
317 or social security card and federal firearms license to the  
318 seller or transferor for inspection at the time of purchase or  
319 transfer. The Department of Law Enforcement shall maintain a  
320 file on all certificates of transfer at its headquarters.

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

326 (7) TRANSPORTATION.—

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



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

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

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

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



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

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

362 Section 2. Paragraph (a) of subsection (3) of section  
363 775.087, Florida Statutes, is amended to read:

364 775.087 Possession or use of weapon; aggravated battery;  
365 felony reclassification; minimum sentence.—

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

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



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

396  
397 and during the commission of the offense, such person possessed  
398 a semiautomatic firearm and its high-capacity detachable box  
399 magazine, an assault weapon and its large-capacity magazine as  
400 defined in s. 790.30, or a machine gun as defined in s. 790.001,  
401 shall be sentenced to a minimum term of imprisonment of 15  
402 years.

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

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



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

424 Section 3. For the purpose of incorporating the amendment  
425 made by this act to section 775.087, Florida Statutes, in a  
426 reference thereto, section 27.366, Florida Statutes, is  
427 reenacted to read:

428 27.366 Legislative intent and policy in cases meeting  
429 criteria of s. 775.087(2) and (3).—It is the intent of the  
430 Legislature that convicted criminal offenders who meet the  
431 criteria in s. 775.087(2) and (3) be sentenced to the minimum  
432 mandatory prison terms provided therein. It is the intent of the  
433 Legislature to establish zero tolerance of criminals who use,  
434 threaten to use, or avail themselves of firearms in order to  
435 commit crimes and thereby demonstrate their lack of value for  
436 human life. It is also the intent of the Legislature that  
437 prosecutors should appropriately exercise their discretion in  
438 those cases in which the offenders' possession of the firearm is  
439 incidental to the commission of a crime and not used in  
440 furtherance of the crime, used in order to commit the crime, or  
441 used in preparation to commit the crime. For every case in which  
442 the offender meets the criteria in this act and does not receive  
443 the mandatory minimum prison sentence, the state attorney must  
444 explain the sentencing deviation in writing and place such  
445 explanation in the case file maintained by the state attorney.





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446 Section 4. For the purpose of incorporating the amendment  
447 made by this act to section 775.087, Florida Statutes, in a  
448 reference thereto, paragraph (b) of subsection (1) of section  
449 921.0024, Florida Statutes, is reenacted to read:

450 921.0024 Criminal Punishment Code; worksheet computations;  
451 scoresheets.—

452 (1)

453 (b) WORKSHEET KEY:

454

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

459

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

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

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

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



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475 felony probation or community control where:

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

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

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

485  
486 Multiple counts of community sanction violations before the  
487 sentencing court shall not be a basis for multiplying the  
488 assessment of community sanction violation points.

489  
490 Prior serious felony points: If the offender has a primary  
491 offense or any additional offense ranked in level 8, level 9, or  
492 level 10, and one or more prior serious felonies, a single  
493 assessment of thirty (30) points shall be added. For purposes of  
494 this section, a prior serious felony is an offense in the  
495 offender's prior record that is ranked in level 8, level 9, or  
496 level 10 under s. 921.0022 or s. 921.0023 and for which the  
497 offender is serving a sentence of confinement, supervision, or  
498 other sanction or for which the offender's date of release from  
499 confinement, supervision, or other sanction, whichever is later,  
500 is within 3 years before the date the primary offense or any  
501 additional offense was committed.

502  
503 Prior capital felony points: If the offender has one or more



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

514  
515 Possession of a firearm, semiautomatic firearm, or machine gun:  
516 If the offender is convicted of committing or attempting to  
517 commit any felony other than those enumerated in s. 775.087(2)  
518 while having in his or her possession: a firearm as defined in  
519 s. 790.001(6), an additional eighteen (18) sentence points are  
520 assessed; or if the offender is convicted of committing or  
521 attempting to commit any felony other than those enumerated in  
522 s. 775.087(3) while having in his or her possession a  
523 semiautomatic firearm as defined in s. 775.087(3) or a machine  
524 gun as defined in s. 790.001(9), an additional twenty-five (25)  
525 sentence points are assessed.

526  
527 Sentencing multipliers:

528  
529 Drug trafficking: If the primary offense is drug trafficking  
530 under s. 893.135, the subtotal sentence points are multiplied,  
531 at the discretion of the court, for a level 7 or level 8  
532 offense, by 1.5. The state attorney may move the sentencing



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

536

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

546

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

552

553 Offense related to a criminal gang: If the offender is convicted  
554 of the primary offense and committed that offense for the  
555 purpose of benefiting, promoting, or furthering the interests of  
556 a criminal gang as defined in s. 874.03, the subtotal sentence  
557 points are multiplied by 1.5. If applying the multiplier results  
558 in the lowest permissible sentence exceeding the statutory  
559 maximum sentence for the primary offense under chapter 775, the  
560 court may not apply the multiplier and must sentence the  
561 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 5. 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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591           947.146 Control Release Authority.—  
592           (3) Within 120 days prior to the date the state  
593 correctional system is projected pursuant to s. 216.136 to  
594 exceed 99 percent of total capacity, the authority shall  
595 determine eligibility for and establish a control release date  
596 for an appropriate number of parole ineligible inmates committed  
597 to the department and incarcerated within the state who have  
598 been determined by the authority to be eligible for  
599 discretionary early release pursuant to this section. In  
600 establishing control release dates, it is the intent of the  
601 Legislature that the authority prioritize consideration of  
602 eligible inmates closest to their tentative release date. The  
603 authority shall rely upon commitment data on the offender  
604 information system maintained by the department to initially  
605 identify inmates who are to be reviewed for control release  
606 consideration. The authority may use a method of objective risk  
607 assessment in determining if an eligible inmate should be  
608 released. Such assessment shall be a part of the department's  
609 management information system. However, the authority shall have  
610 sole responsibility for determining control release eligibility,  
611 establishing a control release date, and effectuating the  
612 release of a sufficient number of inmates to maintain the inmate  
613 population between 99 percent and 100 percent of total capacity.  
614 Inmates who are ineligible for control release are inmates who  
615 are parole eligible or inmates who:  
616           (b) Are serving the mandatory minimum portion of a sentence  
617 enhanced under s. 775.087(2) or (3), or s. 784.07(3);  
618  
619 In making control release eligibility determinations under this



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

625  
626 ===== T I T L E A M E N D M E N T =====

627 And the title is amended as follows:

628       Between lines 41 and 42

629 insert:

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



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