

By Senator Stewart

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1                   A bill to be entitled  
2           An act relating to gun safety; creating s. 790.30,  
3           F.S.; defining terms; prohibiting the importing into  
4           the state of, or the distributing, transporting,  
5           transferring, selling, or giving of, an assault weapon  
6           or large-capacity magazine; providing criminal  
7           penalties; providing applicability; prohibiting the  
8           possession of an assault weapon or large-capacity  
9           magazine; providing exceptions; providing criminal  
10          penalties; providing applicability; requiring  
11          certificates of possession for assault weapons or  
12          large-capacity magazines lawfully possessed before a  
13          specified date; requiring the Department of Law  
14          Enforcement to adopt rules by a certain date; limiting  
15          transfers of assault weapons or large-capacity  
16          magazines represented by certificates of possession;  
17          providing conditions for continued possession of such  
18          weapons or large-capacity magazines; requiring  
19          certificates of transfer for transfers of assault  
20          weapons or large-capacity magazines; requiring the  
21          department to maintain a file of all certificates of  
22          transfer; providing for relinquishment of assault  
23          weapons or large-capacity magazines; specifying  
24          requirements for transportation of assault weapons or  
25          large-capacity magazines; providing criminal  
26          penalties; specifying circumstances in which the  
27          manufacture or transportation of assault weapons or  
28          large-capacity magazines is not prohibited; exempting  
29          permanently inoperable firearms from certain

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30 provisions; amending s. 775.087, F.S.; providing  
31 enhanced criminal penalties for certain offenses when  
32 committed with an assault weapon or large-capacity  
33 magazine; reenacting ss. 27.366, 921.0024(1)(b), and  
34 947.146(3), F.S., relating to legislative intent and  
35 policy in certain cases, the Criminal Punishment Code  
36 worksheet key, and the Control Release Authority,  
37 respectively, to incorporate the amendment made to s.  
38 775.087, F.S., in references thereto; providing an  
39 effective date.

40  
41 Be It Enacted by the Legislature of the State of Florida:

42  
43 Section 1. Section 790.30, Florida Statutes, is created to  
44 read:

45 790.30 Assault weapons.—

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

47 (a) "Assault weapon" means:

48 1. A selective-fire firearm capable of fully automatic,  
49 semiautomatic, or burst fire at the option of the user or any of  
50 the following specified semiautomatic firearms:

51 a. Algimec AGM1.

52 b. All AK series.

53 c. All AR series.

54 d. Sig Sauer MCX rifle.

55 2. A part or combination of parts that convert a firearm  
56 into an assault weapon, or any combination of parts from which  
57 an assault weapon may be assembled if those parts are in the  
58 possession or under the control of the same person.

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59       3. A semiautomatic firearm not listed in this paragraph  
60 which meets the criteria of one of the following sub-  
61 subparagraphs:

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

64           (I) A folding or telescoping stock.

65           (II) A pistol grip that protrudes conspicuously beneath the  
66 action of the weapon or any feature functioning as a protruding  
67 grip that can be held by the nontrigger hand or functioning as a  
68 thumbhole stock.

69           (III) A bayonet mount.

70           (IV) A flash suppressor or threaded barrel designed to  
71 accommodate a flash suppressor.

72           (V) A grenade launcher.

73           (VI) A shroud that is attached to the barrel, or that  
74 partially or completely encircles the barrel and allows the user  
75 to hold the firearm with the nontrigger hand without being  
76 burned, but excluding a slide that encloses the barrel.

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

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

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

83           (III) A slide that encloses the barrel and that allows the  
84 user to hold the firearm with the nontrigger hand without being  
85 burned.

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

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- 88       (V) A semiautomatic version of an automatic firearm.
- 89       (VI) Any feature capable of functioning as a protruding  
90 grip that can be held by the nontrigger hand.
- 91       (VII) A folding, telescoping, or thumbhole stock.
- 92       c. A semiautomatic shotgun that has one or more of the  
93 following:
- 94       (I) A folding or telescoping stock.
- 95       (II) A pistol grip that protrudes conspicuously beneath the  
96 action of the weapon.
- 97       (III) A thumbhole stock.
- 98       (IV) A fixed-magazine capacity in excess of 5 rounds.
- 99       (V) An ability to accept a detachable magazine.
- 100       d. A semiautomatic pistol or a semiautomatic, centerfire,  
101 or rimfire rifle with a fixed magazine that has the capacity to  
102 accept more than 10 rounds of ammunition.
- 103       e. A part or combination of parts designed or intended to  
104 convert a firearm into an assault weapon, or any combination of  
105 parts from which an assault weapon may be assembled if those  
106 parts are in the possession or under the control of the same  
107 person.
- 108       (b) "Detachable magazine" means an ammunition feeding  
109 device that can be removed from a firearm without disassembly of  
110 the firearm action.
- 111       (c) "Fixed magazine" means an ammunition feeding device  
112 contained in, or permanently attached to, a firearm in such a  
113 manner that the device cannot be removed without disassembly of  
114 the firearm action.
- 115       (d) "Large-capacity magazine" means any ammunition feeding  
116 device with the capacity to accept more than 7 rounds, or any

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

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

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

124 3. A tubular magazine that is contained in a lever-action  
125 firearm.

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

128 (2) SALE OR TRANSFER.—

129 (a) A person may not import into this state or, within this  
130 state, distribute, transport, transfer, sell, keep for sale,  
131 offer or expose for sale, or give an assault weapon or large-  
132 capacity magazine. Except as provided in paragraph (b), any  
133 person who violates this paragraph commits a felony of the third  
134 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
135 775.084, with a mandatory minimum term of imprisonment of 2  
136 years.

137 (b) A person may not transfer, sell, or give an assault  
138 weapon or large-capacity magazine to a person under 21 years of  
139 age. Any person who violates this paragraph commits a felony of  
140 the second degree, punishable as provided in s. 775.082, s.  
141 775.083, or s. 775.084, with a mandatory minimum term of  
142 imprisonment of 6 years.

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

144 1. The sale of an assault weapon or large-capacity magazine  
145 to the Department of Law Enforcement, to a law enforcement

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146 agency as defined in s. 934.02, to the Department of  
147 Corrections, or to the Armed Forces of the United States or of  
148 this state for use in the discharge of their official duties.

149 2. A person who is the executor or administrator of an  
150 estate that includes an assault weapon or large-capacity  
151 magazine for which a certificate of possession has been issued  
152 under subsection (4) and which is disposed of as authorized by  
153 the probate court, if the disposition is otherwise authorized  
154 under this section.

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

158 (3) POSSESSION.—

159 (a) Except as provided in subsection (5) or otherwise  
160 provided in this section or authorized by any other law, a  
161 person may not, within this state, possess an assault weapon or  
162 large-capacity magazine. Any person who violates this paragraph  
163 commits a felony of the third degree, punishable as provided in  
164 s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum  
165 term of imprisonment of 1 year.

166 (b) Paragraph (a) does not apply to the possession of an  
167 assault weapon or large-capacity magazine by a member or  
168 employee of the Department of Law Enforcement, a law enforcement  
169 agency as defined in s. 934.02, the Department of Corrections,  
170 or the Armed Forces of the United States or of this state for  
171 use in the discharge of his or her official duties, nor does  
172 this section prohibit the possession or use of an assault weapon  
173 or large-capacity magazine by a sworn member of one of these  
174 agencies when on duty and the use is within the scope of his or

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175 her duties.

176 (c) Paragraph (a) does not apply to the possession of an  
177 assault weapon or large-capacity magazine by any person before  
178 July 1, 2020, if all of the following are applicable:

179 1. The person is eligible to apply for a certificate of  
180 possession for the assault weapon or large-capacity magazine by  
181 July 1, 2020;

182 2. The person lawfully possessed the assault weapon or  
183 large-capacity magazine before October 1, 2019; and

184 3. The person is otherwise in compliance with this section  
185 and the applicable requirements of this chapter for possession  
186 of a firearm.

187 (d) Paragraph (a) does not apply to a person who is the  
188 executor or administrator of an estate that includes an assault  
189 weapon or large-capacity magazine for which a certificate of  
190 possession has been issued under subsection (4), if the assault  
191 weapon or large-capacity magazine is possessed at a place set  
192 forth in subparagraph (4)(c)1. or as authorized by the probate  
193 court.

194 (4) CERTIFICATE OF POSSESSION.—

195 (a) Any person who lawfully possesses an assault weapon or  
196 large-capacity magazine before October 1, 2019, shall apply to  
197 the Department of Law Enforcement by October 1, 2020, for a  
198 certificate of possession with respect to such assault weapon or  
199 large-capacity magazine. If such person is a member of the Armed  
200 Forces of the United States or of this state and cannot apply by  
201 October 1, 2020, because he or she is or was on official duty  
202 outside this state, the person shall apply within 90 days after  
203 returning to this state. The certificate must contain a

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204 description of the assault weapon or large-capacity magazine  
205 which identifies the assault weapon or large-capacity magazine  
206 uniquely, including all identifying marks; the full name,  
207 address, date of birth, and thumbprint of the owner; and any  
208 other information as the department deems appropriate. The  
209 department shall adopt rules no later than January 1, 2020, to  
210 establish procedures with respect to the application for, and  
211 issuance of, certificates of possession under this section.

212 (b)1. An assault weapon or large-capacity magazine lawfully  
213 possessed in accordance with this section may not be sold or  
214 transferred on or after January 1, 2020, to any person within  
215 this state other than to a licensed gun dealer, as provided in  
216 subsection (5), or by a bequest or intestate succession.

217 2. A person who obtains ownership of an assault weapon or  
218 large-capacity magazine for which a certificate of possession  
219 has been issued under this subsection shall, within 90 days  
220 after obtaining ownership, apply to the Department of Law  
221 Enforcement for a certificate of possession, render the assault  
222 weapon or large-capacity magazine permanently inoperable, sell  
223 the assault weapon or large-capacity magazine to a licensed gun  
224 dealer, or remove the assault weapon or large-capacity magazine  
225 from this state.

226 3. A person who moves into this state and who is in lawful  
227 possession of an assault weapon or large-capacity magazine  
228 shall, within 90 days, either render the assault weapon or  
229 large-capacity magazine permanently inoperable, sell the assault  
230 weapon or large-capacity magazine to a licensed gun dealer, or  
231 remove the assault weapon or large-capacity magazine from this  
232 state, unless the person is a member of the military, air, or



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233 naval forces of this state or of the United States, is in lawful  
234 possession of an assault weapon or large-capacity magazine, and  
235 has been transferred to the state after October 1, 2020.

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

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

242 2. On the premises of a target range of a public or private  
243 club or organization organized for the purpose of practicing  
244 shooting at targets;

245 3. On a target range that holds a regulatory or business  
246 license for the purpose of practicing shooting at that target  
247 range;

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

249 5. Attending an exhibition, display, or educational program  
250 on firearms which is sponsored by, conducted under the auspices  
251 of, or approved by a law enforcement agency or a nationally or  
252 state-recognized entity that fosters proficiency in, or promotes  
253 education about, firearms; or

254 6. Transporting the assault weapon or large-capacity  
255 magazine between any of the places mentioned in this paragraph,  
256 or from or to any licensed gun dealer for servicing or repair  
257 pursuant to paragraph (7) (b), provided the assault weapon or  
258 large-capacity magazine is transported as required by subsection  
259 (7).

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

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262 or magazine to a licensed gun dealer, the licensed gun dealer  
263 shall, at the time of delivery of the weapon, execute a  
264 certificate of transfer and cause the certificate to be mailed  
265 or delivered to the Department of Law Enforcement. The  
266 certificate must contain:

267 (a) The date of sale or transfer.

268 (b) The name and address of the seller or transferor and  
269 the licensed gun dealer and their social security numbers or  
270 driver license numbers.

271 (c) The licensed gun dealer's federal firearms license  
272 number.

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

275 (e) Any other information the Department of Law Enforcement  
276 requires.

277  
278 The licensed gun dealer shall present his or her driver license  
279 or social security card and federal firearms license to the  
280 seller or transferor for inspection at the time of purchase or  
281 transfer. The Department of Law Enforcement shall maintain a  
282 file of all certificates of transfer at its headquarters.

283 (6) RELINQUISHMENT.—An individual may arrange in advance to  
284 relinquish an assault weapon or large-capacity magazine to a law  
285 enforcement agency, as defined in s. 934.02, or the Department  
286 of Law Enforcement. The assault weapon or large-capacity  
287 magazine shall be transported in accordance with subsection (7).

288 (7) TRANSPORTATION.—

289 (a) A licensed gun dealer who lawfully purchases for resale  
290 an assault weapon or large-capacity magazine pursuant to

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291 subsection (2) may transport the assault weapon or large-  
292 capacity magazine between licensed gun dealers or out of this  
293 state, but a person may not carry a loaded assault weapon  
294 concealed from public view, or knowingly have in any motor  
295 vehicle owned, operated, or occupied by him or her a loaded or  
296 unloaded assault weapon, unless the weapon is kept in the trunk  
297 of the vehicle or in a case or other container that is  
298 inaccessible to the operator of or any passenger in the vehicle.  
299 Any person who violates this paragraph commits a misdemeanor of  
300 the second degree, punishable as provided in s. 775.082 or s.  
301 775.083. Any licensed gun dealer may display the assault weapon  
302 or large-capacity magazine at any gun show or sell it to a  
303 resident outside this state.

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

309 1. In the licensed gun dealer's employ; or  
310 2. Contracted by the licensed gun dealer for gunsmithing  
311 services, provided the gunsmith holds a dealer's license issued  
312 pursuant to chapter 44 of Title 18 of the United States Code, 18  
313 U.S.C. ss. 921 et seq., and the regulations issued pursuant  
314 thereto.

315 (8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION  
316 NOT PROHIBITED.—This section does not prohibit any person, firm,  
317 or corporation engaged in the business of manufacturing assault  
318 weapons or large-capacity magazines in this state from  
319 manufacturing or transporting assault weapons or large-capacity

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320 magazines in this state for sale within this state in accordance  
321 with subparagraph (2)(c)1. or for sale outside this state.

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

324 Section 2. Paragraph (a) of subsection (3) of section  
325 775.087, Florida Statutes, is amended to read:

326 775.087 Possession or use of weapon; aggravated battery;  
327 felony reclassification; minimum sentence.—

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

- 331 a. Murder;  
332 b. Sexual battery;  
333 c. Robbery;  
334 d. Burglary;  
335 e. Arson;  
336 f. Aggravated battery;  
337 g. Kidnapping;  
338 h. Escape;  
339 i. Sale, manufacture, delivery, or intent to sell,  
340 manufacture, or deliver any controlled substance;  
341 j. Aircraft piracy;  
342 k. Aggravated child abuse;  
343 l. Aggravated abuse of an elderly person or disabled adult;  
344 m. Unlawful throwing, placing, or discharging of a  
345 destructive device or bomb;  
346 n. Carjacking;  
347 o. Home-invasion robbery;  
348 p. Aggravated stalking; or

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349 q. Trafficking in cannabis, trafficking in cocaine, capital  
350 importation of cocaine, trafficking in illegal drugs, capital  
351 importation of illegal drugs, trafficking in phencyclidine,  
352 capital importation of phencyclidine, trafficking in  
353 methaqualone, capital importation of methaqualone, trafficking  
354 in amphetamine, capital importation of amphetamine, trafficking  
355 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
356 (GHB), trafficking in 1,4-Butanediol, trafficking in  
357 Phenethylamines, or other violation of s. 893.135(1), +

358

359 and during the commission of the offense, such person possessed  
360 a semiautomatic firearm and its high-capacity detachable box  
361 magazine, an assault weapon and its large-capacity magazine as  
362 defined in s. 790.30, or a machine gun as defined in s. 790.001,  
363 shall be sentenced to a minimum term of imprisonment of 15  
364 years.

365 2. Any person who is convicted of a felony or an attempt to  
366 commit a felony listed in subparagraph 1. ~~subparagraph (a)1.~~,  
367 regardless of whether the use of a weapon is an element of the  
368 felony, and during the course of the commission of the felony  
369 such person discharged a semiautomatic firearm and its high-  
370 capacity box magazine, an assault weapon and its large-capacity  
371 magazine as defined in s. 790.30, or a "machine gun" as defined  
372 in s. 790.001 shall be sentenced to a minimum term of  
373 imprisonment of 20 years.

374 3. Any person who is convicted of a felony or an attempt to  
375 commit a felony listed in subparagraph 1. ~~subparagraph (a)1.~~,  
376 regardless of whether the use of a weapon is an element of the  
377 felony, and during the course of the commission of the felony

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378 such person discharged a semiautomatic firearm and its high-  
379 capacity box magazine, an assault weapon and its large-capacity  
380 magazine as defined in s. 790.30, or a "machine gun" as defined  
381 in s. 790.001 and, as the result of the discharge, death or  
382 great bodily harm was inflicted upon any person, the convicted  
383 person shall be sentenced to a minimum term of imprisonment of  
384 not less than 25 years and not more than a term of imprisonment  
385 of life in prison.

386 Section 3. For the purpose of incorporating the amendment  
387 made by this act to section 775.087, Florida Statutes, in a  
388 reference thereto, section 27.366, Florida Statutes, is  
389 reenacted to read:

390 27.366 Legislative intent and policy in cases meeting  
391 criteria of s. 775.087(2) and (3).—It is the intent of the  
392 Legislature that convicted criminal offenders who meet the  
393 criteria in s. 775.087(2) and (3) be sentenced to the minimum  
394 mandatory prison terms provided therein. It is the intent of the  
395 Legislature to establish zero tolerance of criminals who use,  
396 threaten to use, or avail themselves of firearms in order to  
397 commit crimes and thereby demonstrate their lack of value for  
398 human life. It is also the intent of the Legislature that  
399 prosecutors should appropriately exercise their discretion in  
400 those cases in which the offenders' possession of the firearm is  
401 incidental to the commission of a crime and not used in  
402 furtherance of the crime, used in order to commit the crime, or  
403 used in preparation to commit the crime. For every case in which  
404 the offender meets the criteria in this act and does not receive  
405 the mandatory minimum prison sentence, the state attorney must  
406 explain the sentencing deviation in writing and place such

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407 explanation in the case file maintained by the state attorney.

408 Section 4. For the purpose of incorporating the amendment  
409 made by this act to section 775.087, Florida Statutes, in a  
410 reference thereto, paragraph (b) of subsection (1) of section  
411 921.0024, Florida Statutes, is reenacted to read:

412 921.0024 Criminal Punishment Code; worksheet computations;  
413 scoresheets.—

414 (1)

415 (b) WORKSHEET KEY:

416  
417 Legal status points are assessed when any form of legal status  
418 existed at the time the offender committed an offense before the  
419 court for sentencing. Four (4) sentence points are assessed for  
420 an offender's legal status.

421  
422 Community sanction violation points are assessed when a  
423 community sanction violation is before the court for sentencing.  
424 Six (6) sentence points are assessed for each community sanction  
425 violation and each successive community sanction violation,  
426 unless any of the following apply:

427 1. If the community sanction violation includes a new  
428 felony conviction before the sentencing court, twelve (12)  
429 community sanction violation points are assessed for the  
430 violation, and for each successive community sanction violation  
431 involving a new felony conviction.

432 2. If the community sanction violation is committed by a  
433 violent felony offender of special concern as defined in s.  
434 948.06:

435 a. Twelve (12) community sanction violation points are

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436 assessed for the violation and for each successive violation of  
437 felony probation or community control where:

438 I. The violation does not include a new felony conviction;  
439 and

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

443 b. Twenty-four (24) community sanction violation points are  
444 assessed for the violation and for each successive violation of  
445 felony probation or community control where the violation  
446 includes a new felony conviction.

447  
448 Multiple counts of community sanction violations before the  
449 sentencing court shall not be a basis for multiplying the  
450 assessment of community sanction violation points.

451  
452 Prior serious felony points: If the offender has a primary  
453 offense or any additional offense ranked in level 8, level 9, or  
454 level 10, and one or more prior serious felonies, a single  
455 assessment of thirty (30) points shall be added. For purposes of  
456 this section, a prior serious felony is an offense in the  
457 offender's prior record that is ranked in level 8, level 9, or  
458 level 10 under s. 921.0022 or s. 921.0023 and for which the  
459 offender is serving a sentence of confinement, supervision, or  
460 other sanction or for which the offender's date of release from  
461 confinement, supervision, or other sanction, whichever is later,  
462 is within 3 years before the date the primary offense or any  
463 additional offense was committed.

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465 Prior capital felony points: If the offender has one or more  
466 prior capital felonies in the offender's criminal record, points  
467 shall be added to the subtotal sentence points of the offender  
468 equal to twice the number of points the offender receives for  
469 the primary offense and any additional offense. A prior capital  
470 felony in the offender's criminal record is a previous capital  
471 felony offense for which the offender has entered a plea of nolo  
472 contendere or guilty or has been found guilty; or a felony in  
473 another jurisdiction which is a capital felony in that  
474 jurisdiction, or would be a capital felony if the offense were  
475 committed in this state.

476  
477 Possession of a firearm, semiautomatic firearm, or machine gun:  
478 If the offender is convicted of committing or attempting to  
479 commit any felony other than those enumerated in s. 775.087(2)  
480 while having in his or her possession: a firearm as defined in  
481 s. 790.001(6), an additional eighteen (18) sentence points are  
482 assessed; or if the offender is convicted of committing or  
483 attempting to commit any felony other than those enumerated in  
484 s. 775.087(3) while having in his or her possession a  
485 semiautomatic firearm as defined in s. 775.087(3) or a machine  
486 gun as defined in s. 790.001(9), an additional twenty-five (25)  
487 sentence points are assessed.

488  
489 Sentencing multipliers:

490  
491 Drug trafficking: If the primary offense is drug trafficking  
492 under s. 893.135, the subtotal sentence points are multiplied,  
493 at the discretion of the court, for a level 7 or level 8

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494 offense, by 1.5. The state attorney may move the sentencing  
495 court to reduce or suspend the sentence of a person convicted of  
496 a level 7 or level 8 offense, if the offender provides  
497 substantial assistance as described in s. 893.135(4).

498

499 Law enforcement protection: If the primary offense is a  
500 violation of the Law Enforcement Protection Act under s.  
501 775.0823(2), (3), or (4), the subtotal sentence points are  
502 multiplied by 2.5. If the primary offense is a violation of s.  
503 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
504 are multiplied by 2.0. If the primary offense is a violation of  
505 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
506 Protection Act under s. 775.0823(10) or (11), the subtotal  
507 sentence points are multiplied by 1.5.

508

509 Grand theft of a motor vehicle: If the primary offense is grand  
510 theft of the third degree involving a motor vehicle and in the  
511 offender's prior record, there are three or more grand thefts of  
512 the third degree involving a motor vehicle, the subtotal  
513 sentence points are multiplied by 1.5.

514

515 Offense related to a criminal gang: If the offender is convicted  
516 of the primary offense and committed that offense for the  
517 purpose of benefiting, promoting, or furthering the interests of  
518 a criminal gang as defined in s. 874.03, the subtotal sentence  
519 points are multiplied by 1.5. If applying the multiplier results  
520 in the lowest permissible sentence exceeding the statutory  
521 maximum sentence for the primary offense under chapter 775, the  
522 court may not apply the multiplier and must sentence the

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523 defendant to the statutory maximum sentence.

524

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

532

533 Adult-on-minor sex offense: If the offender was 18 years of age  
534 or older and the victim was younger than 18 years of age at the  
535 time the offender committed the primary offense, and if the  
536 primary offense was an offense committed on or after October 1,  
537 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
538 violation involved a victim who was a minor and, in the course  
539 of committing that violation, the defendant committed a sexual  
540 battery under chapter 794 or a lewd act under s. 800.04 or s.  
541 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
542 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
543 800.04; or s. 847.0135(5), the subtotal sentence points are  
544 multiplied by 2.0. If applying the multiplier results in the  
545 lowest permissible sentence exceeding the statutory maximum  
546 sentence for the primary offense under chapter 775, the court  
547 may not apply the multiplier and must sentence the defendant to  
548 the statutory maximum sentence.

549 Section 5. For the purpose of incorporating the amendment  
550 made by this act to section 775.087, Florida Statutes, in a  
551 reference thereto, subsection (3) of section 947.146, Florida

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552 Statutes, is reenacted to read:

553 947.146 Control Release Authority.—

554 (3) Within 120 days prior to the date the state  
555 correctional system is projected pursuant to s. 216.136 to  
556 exceed 99 percent of total capacity, the authority shall  
557 determine eligibility for and establish a control release date  
558 for an appropriate number of parole ineligible inmates committed  
559 to the department and incarcerated within the state who have  
560 been determined by the authority to be eligible for  
561 discretionary early release pursuant to this section. In  
562 establishing control release dates, it is the intent of the  
563 Legislature that the authority prioritize consideration of  
564 eligible inmates closest to their tentative release date. The  
565 authority shall rely upon commitment data on the offender  
566 information system maintained by the department to initially  
567 identify inmates who are to be reviewed for control release  
568 consideration. The authority may use a method of objective risk  
569 assessment in determining if an eligible inmate should be  
570 released. Such assessment shall be a part of the department's  
571 management information system. However, the authority shall have  
572 sole responsibility for determining control release eligibility,  
573 establishing a control release date, and effectuating the  
574 release of a sufficient number of inmates to maintain the inmate  
575 population between 99 percent and 100 percent of total capacity.  
576 Inmates who are ineligible for control release are inmates who  
577 are parole eligible or inmates who:

578 (a) Are serving a sentence that includes a mandatory  
579 minimum provision for a capital offense or drug trafficking  
580 offense and have not served the number of days equal to the

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581 mandatory minimum term less any jail-time credit awarded by the  
582 court;

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

585 (c) Are convicted, or have been previously convicted, of  
586 committing or attempting to commit sexual battery, incest, or  
587 any of the following lewd or indecent assaults or acts:  
588 masturbating in public; exposing the sexual organs in a  
589 perverted manner; or nonconsensual handling or fondling of the  
590 sexual organs of another person;

591 (d) Are convicted, or have been previously convicted, of  
592 committing or attempting to commit assault, aggravated assault,  
593 battery, or aggravated battery, and a sex act was attempted or  
594 completed during commission of such offense;

595 (e) Are convicted, or have been previously convicted, of  
596 committing or attempting to commit kidnapping, burglary, or  
597 murder, and the offense was committed with the intent to commit  
598 sexual battery or a sex act was attempted or completed during  
599 commission of the offense;

600 (f) Are convicted, or have been previously convicted, of  
601 committing or attempting to commit false imprisonment upon a  
602 child under the age of 13 and, in the course of committing the  
603 offense, the inmate committed aggravated child abuse, sexual  
604 battery against the child, or a lewd or lascivious offense  
605 committed upon or in the presence of a person less than 16 years  
606 of age;

607 (g) Are sentenced, have previously been sentenced, or have  
608 been sentenced at any time under s. 775.084, or have been  
609 sentenced at any time in another jurisdiction as a habitual

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610 offender;

611 (h) Are convicted, or have been previously convicted, of  
612 committing or attempting to commit assault, aggravated assault,  
613 battery, aggravated battery, kidnapping, manslaughter, or murder  
614 against an officer as defined in s. 943.10(1), (2), (3), (6),  
615 (7), (8), or (9); against a state attorney or assistant state  
616 attorney; or against a justice or judge of a court described in  
617 Art. V of the State Constitution; or against an officer, judge,  
618 or state attorney employed in a comparable position by any other  
619 jurisdiction; or

620 (i) Are convicted, or have been previously convicted, of  
621 committing or attempting to commit murder in the first, second,  
622 or third degree under s. 782.04(1), (2), (3), or (4), or have  
623 ever been convicted of any degree of murder or attempted murder  
624 in another jurisdiction;

625 (j) Are convicted, or have been previously convicted, of  
626 DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or  
627 have been sentenced at any time, as a habitual offender for such  
628 offense, or have been sentenced at any time in another  
629 jurisdiction as a habitual offender for such offense;

630 (k)1. Are serving a sentence for an offense committed on or  
631 after January 1, 1994, for a violation of the Law Enforcement  
632 Protection Act under s. 775.0823(2), (3), (4), (5), or (6), and  
633 the subtotal of the offender's sentence points is multiplied  
634 pursuant to former s. 921.0014 or s. 921.0024;

635 2. Are serving a sentence for an offense committed on or  
636 after October 1, 1995, for a violation of the Law Enforcement  
637 Protection Act under s. 775.0823(2), (3), (4), (5), (6), (7),  
638 (8), or (9), and the subtotal of the offender's sentence points

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639 is multiplied pursuant to former s. 921.0014 or s. 921.0024;

640 (l) Are serving a sentence for an offense committed on or  
641 after January 1, 1994, for possession of a firearm,  
642 semiautomatic firearm, or machine gun in which additional points  
643 are added to the subtotal of the offender's sentence points  
644 pursuant to former s. 921.0014 or s. 921.0024; or

645 (m) Are convicted, or have been previously convicted, of  
646 committing or attempting to commit manslaughter, kidnapping,  
647 robbery, carjacking, home-invasion robbery, or a burglary under  
648 s. 810.02(2).

649

650 In making control release eligibility determinations under this  
651 subsection, the authority may rely on any document leading to or  
652 generated during the course of the criminal proceedings,  
653 including, but not limited to, any presentence or postsentence  
654 investigation or any information contained in arrest reports  
655 relating to circumstances of the offense.

656 Section 6. This act shall take effect October 1, 2019.