

By Senator Berman

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1 A bill to be entitled
2 An act relating to assault weapons and large-capacity
3 magazines; creating s. 790.301, F.S.; defining terms;
4 prohibiting the sale or transfer of an assault weapon
5 or a large-capacity magazine; providing exceptions;
6 providing criminal penalties; prohibiting possession
7 of an assault weapon or a large-capacity magazine;
8 providing exceptions; providing criminal penalties;
9 requiring certificates of possession for assault
10 weapons or large-capacity magazines lawfully possessed
11 before a specified date; specifying requirements for
12 the certificates; requiring the Department of Law
13 Enforcement to adopt rules by a specified date;
14 specifying the form of the certificates; limiting
15 sales or transfers of assault weapons or large-
16 capacity magazines documented by certificates of
17 possession; providing conditions for continued
18 possession of such weapons or large-capacity
19 magazines; specifying requirements for an applicant
20 who fails to qualify for a certificate of possession;
21 requiring certificates of transfer for transfers of
22 certain assault weapons or large-capacity magazines;
23 providing requirements for certificates of transfer;
24 requiring the department to maintain a file of such
25 certificates; providing for relinquishment of assault
26 weapons or large-capacity magazines; providing
27 requirements for transporting assault weapons or
28 large-capacity magazines under certain circumstances;
29 providing criminal penalties; specifying circumstances

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30 in which the manufacture or transport of assault
31 weapons or large-capacity magazines is not prohibited;
32 exempting permanently inoperable firearms from certain
33 provisions; amending s. 775.087, F.S.; providing
34 enhanced criminal penalties for certain offenses when
35 committed with an assault weapon or a large-capacity
36 magazine; providing for severability; providing an
37 effective date.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Section 790.301, Florida Statutes, is created to
42 read:

43 790.301 Assault weapons.-

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

45 (a)1. "Assault weapon" means any selective-fire firearm
46 capable of fully automatic, semiautomatic, or burst fire at the
47 option of the user or any of the following semiautomatic
48 firearms:

49 a. All AK series, including, but not limited to, the
50 following: AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90,
51 NHM91, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47,
52 and Vector Arms AK-47.

53 b. All AR series, including, but not limited to, the
54 following: AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and
55 M15, Olympic Arms, AR70, DPMS Tactical Rifles, Smith & Wesson
56 M&P15 Rifles, Colt AR-15, Rock River Arms LAR-15, and DoubleStar
57 AR rifles.

58 c. Algimec AGM1.

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- 59 d. Barrett 82A1 and REC7.
60 e. Beretta AR-70 and Beretta Storm.
61 f. Bushmaster Auto Rifle.
62 g. Calico Liberty series.
63 h. Chartered Industries of Singapore SR-88.
64 i. Colt Sporter.
65 j. Daewoo K-1, K-2, Max-1, and Max-2.
66 k. FAMAS MAS 223.
67 l. Federal XC-900 and SC-450.
68 m. Fabrique National FN/FAL, FN/LAR, or FNC.
69 n. FNH PS90, SCAR, and FS2000.
70 o. Goncz High Tech Carbine.
71 p. Hi-Point Carbine.
72 q. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.
73 r. Kel-Tec Sub-2000, SU series, RFB.
74 s. M1 Carbine.
75 t. SAR-8, SAR-4800, and SR9.
76 u. SIG 57 AMT and 500 Series.
77 v. SIG Sauer MCX Rifle.
78 w. SKS capable of accepting a detachable magazine.
79 x. SLG 95.
80 y. SLR 95 or 96.
81 z. Spectre Auto Carbine.
82 aa. Springfield Armory BM59, SAR-48, and G-3.
83 bb. Sterling MK-6 and MK-7.
84 cc. Steyr AUG.
85 dd. Sturm Ruger Mini-14 with folding stock.
86 ee. TNW M230 and M2HB.
87 ff. Thompson types, including Thompson T5.

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88 gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil Sniper
89 Rifle (Galatz), or Vector Arms UZI.

90 hh. Weaver Arms Nighthawk.

91 2. All of the following handguns, or copies, duplicates, or
92 altered facsimiles thereof with the capability of any such
93 weapon:

94 a. AK-47 pistol and Mini AK-47 pistol.

95 b. AR-15 pistol.

96 c. Australian Automatic Arms SAP pistol.

97 d. Bushmaster Auto Pistol.

98 e. Calico Liberty series pistols.

99 f. Encom MK-IV, MP-9, and MP-45.

100 g. Feather AT-9 and Mini-AT.

101 h. Goncz High Tech Long pistol.

102 i. Holmes MP-83.

103 j. Iver Johnson Enforcer.

104 k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
105 Velocity Arms VMA series.

106 l. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.

107 m. UZI pistol and Micro-UZI pistol.

108 n. Colefire Magnum.

109 o. Scarab Skorpion.

110 p. Spectre Auto pistol.

111 q. German Sport 522 PK.

112 r. Chiappa Firearms Mfour-22.

113 s. DSA SA58 PKP FAL.

114 t. I.O. Inc. PPS-43C.

115 u. Kel-Tec PLR-16 pistol.

116 v. SIG Sauer P556 pistol.

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- 117 w. Thompson TA5 series pistols.
- 118 x. Wilkinson "Linda" pistol.
- 119 3. All of the following shotguns, or copies, duplicates, or
120 altered facsimiles thereof with the capability of any such
121 weapon:
- 122 a. Armscor 30 BG.
- 123 b. Franchi SPAS-12 and Law-12.
- 124 c. Remington TAC-2 or TACB3 FS.
- 125 d. SPAS 12 or LAW 12.
- 126 e. Striker 12.
- 127 f. Streetsweeper.
- 128 g. Saiga.
- 129 h. USAS-12.
- 130 i. Kel-Tec KSG.
- 131 4. A part or combination of parts which converts a firearm
132 into an assault weapon, or any combination of parts from which
133 an assault weapon may be assembled if those parts are in the
134 possession or under the control of the same person.
- 135 5. Any semiautomatic firearm not listed in subparagraphs
136 1.-4. which meets any of the following criteria:
- 137 a. A semiautomatic rifle that has an ability to accept a
138 detachable magazine and has one or more of the following:
- 139 (I) A folding or telescoping stock;
- 140 (II) A pistol grip, a thumbhole stock or Thordsen-type grip
141 or stock, or any other characteristic that can function as a
142 grip;
- 143 (III) A bayonet mount;
- 144 (IV) A flash suppressor or threaded barrel designed to
145 accommodate a flash suppressor;

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- 146 (V) A grenade launcher; or
147 (VI) A shroud attached to the barrel, or that partially or
148 completely encircles the barrel, allowing the bearer to hold the
149 firearm with the non-trigger hand without being burned, but
150 excluding a slide that encloses the barrel.
- 151 b. A semiautomatic pistol that has an ability to accept a
152 detachable magazine and has one or more of the following:
- 153 (I) The capacity to accept a large-capacity magazine that
154 attaches to the pistol at any location outside of the pistol
155 grip;
- 156 (II) A threaded barrel capable of accepting a barrel
157 extender, flash suppressor, forward handgrip, or silencer;
- 158 (III) A slide that encloses the barrel and that permits the
159 shooter to hold the firearm with the non-trigger hand without
160 being burned;
- 161 (IV) A manufactured weight of 50 ounces or more when the
162 pistol is unloaded;
- 163 (V) A semiautomatic version of an automatic firearm;
164 (VI) Any feature capable of functioning as a protruding
165 grip that can be held by the non-trigger hand; or
- 166 (VII) A folding, telescoping, or thumbhole stock.
- 167 c. A semiautomatic shotgun that has one or more of the
168 following:
- 169 (I) A folding or telescoping stock;
170 (II) A pistol grip, a thumbhole stock or Thordsen-type grip
171 or stock, or any other characteristic that can function as a
172 grip;
- 173 (III) A thumbhole stock;
174 (IV) A fixed magazine capacity in excess of 5 rounds; or

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175 (V) An ability to accept a detachable magazine.

176 d. Any semiautomatic pistol or any semiautomatic,
177 centerfire, or rimfire rifle with a fixed magazine that has the
178 capacity to accept more than 10 rounds of ammunition.

179 e. A part or combination of parts designed or intended to
180 convert a firearm into an assault weapon, or any combination of
181 parts from which an assault weapon may be assembled if those
182 parts are in the possession or under the control of the same
183 person.

184 (b) "Detachable magazine" means an ammunition feeding
185 device that can be removed from a firearm without disassembly of
186 the firearm action.

187 (c) "Fixed magazine" means an ammunition feeding device
188 contained in, or permanently attached to, a firearm in such a
189 manner that the device cannot be removed without disassembly of
190 the firearm action.

191 (d) "Large-capacity magazine" means an ammunition feeding
192 device with the capacity to accept more than 10 rounds, or any
193 conversion kit, part, or combination of parts from which such a
194 device can be assembled if those parts are in the possession or
195 under the control of the same person, but does not include any
196 of the following:

197 1. A feeding device that has been permanently altered so
198 that it cannot accommodate more than 10 rounds;

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

200 3. A tubular magazine that is contained in a lever-action
201 firearm.

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

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204 (2) SALE OR TRANSFER.—

205 (a) A person who, within this state, distributes,
206 transports, or imports into this state; who sells, keeps for
207 sale, or offers or exposes for sale; or who gives an assault
208 weapon or a large-capacity magazine in violation of this
209 section, except as provided in paragraph (c), commits a felony
210 of the third degree, punishable as provided in s. 775.082, s.
211 775.083, or s. 775.084, with a mandatory minimum term of
212 imprisonment of 2 years.

213 (b) A person who transfers, sells, or gives an assault
214 weapon or a large-capacity magazine to a person under 18 years
215 of age in violation of this section commits a felony of the
216 second degree, punishable as provided in s. 775.082, s. 775.083,
217 or s. 775.084, with a mandatory minimum term of imprisonment of
218 6 years.

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

220 1. The sale of assault weapons or large-capacity magazines
221 to the Department of Law Enforcement, a law enforcement agency
222 as defined in s. 934.02, the Department of Corrections, or the
223 military or naval forces of this state or of the United States
224 for use in the discharge of their official duties.

225 2. A person who is the executor or administrator of an
226 estate that includes an assault weapon or a large-capacity
227 magazine for which a certificate of possession has been issued
228 under subsection (4) and which is disposed of as authorized by
229 the probate court, if the disposition is otherwise permitted
230 under this section.

231 3. The transfer by bequest or intestate succession of an
232 assault weapon or a large-capacity magazine for which a

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233 certificate of possession has been issued under subsection (4).

234 (3) POSSESSION.—

235 (a) Except as provided in subsection (5), a person who,
236 within this state, possesses any assault weapon or large-
237 capacity magazine, except as provided in this section or as
238 otherwise authorized by law, commits a felony of the third
239 degree, punishable as provided in s. 775.082, s. 775.083, or s.
240 775.084, with a mandatory minimum term of imprisonment of 1
241 year.

242 (b) Paragraph (a) does not apply to the possession of
243 assault weapons or large-capacity magazines by members or
244 employees of the Department of Law Enforcement, a law
245 enforcement agency as defined in s. 934.02, the Department of
246 Corrections, or the military or naval forces of this state or of
247 the United States for use in the discharge of their official
248 duties; and this section does not prohibit the possession or use
249 of assault weapons or large-capacity magazines by sworn members
250 of such agencies when on duty and when the use is within the
251 scope of their duties.

252 (c) Paragraph (a) does not apply to the possession of an
253 assault weapon or a large-capacity magazine by a person before
254 July 1, 2025, if all of the following are applicable:

255 1. The person is eligible to apply for a certificate of
256 possession under subsection (4) for the assault weapon or large-
257 capacity magazine by July 1, 2025;

258 2. The person lawfully possessed the assault weapon or
259 large-capacity magazine before October 1, 2024; and

260 3. The person is otherwise in compliance with this section
261 and the applicable requirements of this chapter for possession

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262 of a firearm.

263 (d) Paragraph (a) does not apply to a person who is the
264 executor or administrator of an estate that includes an assault
265 weapon or a large-capacity magazine for which a certificate of
266 possession has been issued under subsection (4), if the assault
267 weapon is possessed at a place set forth in subparagraph
268 (4) (d)1. or as authorized by the probate court.

269 (4) CERTIFICATE OF POSSESSION.—

270 (a) A person who lawfully possesses an assault weapon or a
271 large-capacity magazine before October 1, 2024, must apply by
272 October 1, 2025, or, if such person is a member of the military
273 or naval forces of this state or of the United States and is
274 unable to apply by October 1, 2025, because he or she is or was
275 on official duty outside of this state, must apply within 90
276 days after returning to this state, to the Department of Law
277 Enforcement for a certificate of possession with respect to such
278 assault weapon or large-capacity magazine. The certificate must
279 contain a description of the assault weapon or large-capacity
280 magazine which identifies it uniquely, including all
281 identification marks; the full name, address, date of birth, and
282 thumbprint of the owner; and any other information as the
283 department may deem appropriate. The department shall adopt
284 rules no later than January 1, 2025, to establish procedures
285 with respect to the application for, and issuance of,
286 certificates of possession pursuant to this subsection. The
287 thumbprint of the applicant must be taken by a law enforcement
288 agency or the Department of Law Enforcement together with any
289 personal identifying information required by federal law to
290 process fingerprints. Charges for thumbprint services under this

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291 paragraph are not subject to the sales tax on fingerprint
 292 services imposed in s. 212.05(1)(i). The Department of Law
 293 Enforcement shall conduct a background investigation pursuant to
 294 this subsection.

295 (b) A certificate of possession issued under this
 296 subsection must be in substantially the following form:

298 CERTIFICATE OF POSSESSION OF ASSAULT WEAPON

299 Certificate Number:

300 Owner's Name: (Last, First, Middle)

301 Address: (Number, Street, City or Town, State, Zip Code) NO
 302 P.O. Boxes

303 Date of Birth:

304 Social Security Number (Optional, but will help prevent
 305 misidentification):

306 Driver License Number and State:

307 Manufacturer:

308 Importer:

309 Serial Number:

310 Model:

311 Caliber:

312 Unique I.D./Markings:

313 Signature of Owner

314 Applicant's Right Thumbprint

316 (c) An assault weapon or a large-capacity magazine
 317 possessed pursuant to this section may not be sold or
 318 transferred on or after January 1, 2025, to a person within this
 319 state other than to a licensed gun dealer, as provided in

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320 subsection (5), or by a bequest or intestate succession. A
321 person who obtains title to an assault weapon or a large-
322 capacity magazine for which a certificate of possession has been
323 issued under this subsection by bequest or intestate succession
324 must, within 90 days after obtaining title, apply to the
325 Department of Law Enforcement for a certificate of possession as
326 provided in this subsection, render the assault weapon or large-
327 capacity magazine permanently inoperable, sell the weapon or
328 large-capacity magazine to a licensed gun dealer, or remove the
329 weapon or large-capacity magazine from this state. A person who
330 moves into this state in lawful possession of an assault weapon
331 or a large-capacity magazine must, within 90 days, either render
332 the weapon or large-capacity magazine permanently inoperable,
333 sell the weapon or large-capacity magazine to a licensed gun
334 dealer, or remove the weapon or large-capacity magazine from
335 this state. This paragraph does not apply to a person who is a
336 member of the military or naval forces of this state or of the
337 United States, is in lawful possession of an assault weapon or a
338 large-capacity magazine, and has been transferred into this
339 state after October 1, 2025.

340 (d) A person who has been issued a certificate of
341 possession for an assault weapon or a large-capacity magazine
342 under this subsection may possess it only under the following
343 conditions:

344 1. At that person's residence, place of business, or other
345 property owned by that person, or on property owned by another
346 person with the owner's express permission;

347 2. While on the premises of a target range of a public or
348 private club or organization organized for the purpose of

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349 practicing shooting at targets;

350 3. While on a target range that holds a regulatory or
351 business license for the purpose of practicing shooting at that
352 target range;

353 4. While on the premises of a licensed shooting club;

354 5. While attending any exhibition, display, or educational
355 program that is about firearms and is sponsored by, conducted
356 under the auspices of, or approved by a law enforcement agency
357 or a nationally or state-recognized entity that fosters
358 proficiency in, or promotes education about, firearms; or

359 6. While transporting the assault weapon or large-capacity
360 magazine between any of the places mentioned in this paragraph,
361 or to any licensed gun dealer for servicing or repair pursuant
362 to paragraph (7) (b), provided the assault weapon or large-
363 capacity magazine is transported as required by subsection (7).

364 (e) If an applicant for a certificate of possession under
365 this subsection fails to qualify for the certificate after the
366 background investigation required under this subsection, the
367 applicant must arrange to relinquish all assault weapons or
368 large-capacity magazines in his or her possession as provided in
369 subsection (7) within 10 days after he or she receives written
370 notice from the Department of Law Enforcement of failure to
371 qualify for the certificate. Such an applicant who fails to make
372 such an arrangement within the time specified in this paragraph
373 is thereafter in violation of this section.

374 (5) CERTIFICATE OF TRANSFER.—If an owner of an assault
375 weapon or a large-capacity magazine sells or transfers the
376 weapon or magazine to a licensed gun dealer, the owner must, at
377 the time of delivery of the weapon, execute a certificate of

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378 transfer and cause the certificate to be mailed or delivered to
379 the Department of Law Enforcement. The certificate must contain
380 all of the following:

381 (a) The date of sale or transfer.

382 (b) The names and addresses of the seller or transferor and
383 the licensed gun dealer and their social security numbers or
384 driver license numbers.

385 (c) The licensed gun dealer's federal firearms license
386 number.

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

389 (e) Any other information the Department of Law Enforcement
390 prescribes.

391
392 The licensed gun dealer shall present his or her driver license
393 or social security card and federal firearms license to the
394 seller or transferor for inspection at the time of purchase or
395 transfer. The Department of Law Enforcement shall maintain at
396 its headquarters a file of all certificates of transfer.

397 (6) RELINQUISHMENT.—An individual may arrange in advance to
398 relinquish an assault weapon or a large-capacity magazine to a
399 law enforcement agency as defined in s. 934.02 or to the
400 Department of Law Enforcement. The assault weapon or large-
401 capacity magazine must be transported in accordance with
402 subsection (7).

403 (7) TRANSPORTATION.—

404 (a) A licensed gun dealer who lawfully purchases for resale
405 out of state an assault weapon or a large-capacity magazine
406 pursuant to subsection (2) may transport the assault weapon or

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407 large-capacity magazine between dealers or out of this state,
408 but a person may not carry a loaded assault weapon concealed
409 from public view or knowingly have in any motor vehicle owned,
410 operated, or occupied by him or her a loaded assault weapon or
411 an unloaded assault weapon, unless such weapon is kept in the
412 trunk of such vehicle or in a case or other container that is
413 inaccessible to the operator of or any passenger in such
414 vehicle. A person who violates this subsection commits a
415 misdemeanor of the second degree, punishable as provided in s.
416 775.082 or s. 775.083. Any licensed gun dealer may display the
417 assault weapon or large-capacity magazine at any gun show or
418 sell it to a buyer outside this state.

419 (b) Any licensed gun dealer may transfer possession of any
420 assault weapon or large-capacity magazine received pursuant to
421 paragraph (a) to a gunsmith for purposes of accomplishing
422 service or repair of the same. Transfers are permissible only to
423 the following persons:

- 424 1. A gunsmith who is in the dealer's employ; or
425 2. A gunsmith with whom the dealer has contracted for
426 gunsmithing services, provided the gunsmith receiving the
427 assault weapon holds a dealer's license issued pursuant to
428 chapter 44 of Title 18 of the United States Code, 18 U.S.C. ss.
429 921 et seq., and the regulations issued pursuant thereto.

430 (8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION IS
431 NOT PROHIBITED.—This section does not prohibit any person, firm,
432 or corporation engaged in the business of manufacturing assault
433 weapons or large-capacity magazines in this state from
434 manufacturing or transporting assault weapons or large-capacity
435 magazines in this state for sale within this state in accordance

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

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

439 Section 2. Paragraph (a) of subsection (3) of section
440 775.087, Florida Statutes, is amended to read:

441 775.087 Possession or use of weapon; aggravated battery;
442 felony reclassification; minimum sentence.—

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

446 a. Murder;

447 b. Sexual battery;

448 c. Robbery;

449 d. Burglary;

450 e. Arson;

451 f. Aggravated battery;

452 g. Kidnapping;

453 h. Escape;

454 i. Sale, manufacture, delivery, or intent to sell,
455 manufacture, or deliver any controlled substance;

456 j. Aircraft piracy;

457 k. Aggravated child abuse;

458 l. Aggravated abuse of an elderly person or disabled adult;

459 m. Unlawful throwing, placing, or discharging of a
460 destructive device or bomb;

461 n. Carjacking;

462 o. Home-invasion robbery;

463 p. Aggravated stalking;

464 q. Trafficking in cannabis, trafficking in cocaine, capital

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465 importation of cocaine, trafficking in illegal drugs, capital
466 importation of illegal drugs, trafficking in phencyclidine,
467 capital importation of phencyclidine, trafficking in
468 methaqualone, capital importation of methaqualone, trafficking
469 in amphetamine, capital importation of amphetamine, trafficking
470 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
471 (GHB), trafficking in 1,4-Butanediol, trafficking in
472 Phenethylamines, or other violation of s. 893.135(1); or
473 r. Human trafficking,

474
475 and during the commission of the offense, such person possessed
476 a semiautomatic firearm and its high-capacity detachable box
477 magazine, an assault weapon or a large-capacity magazine as
478 those terms are defined in s. 790.301, or a machine gun as
479 defined in s. 790.001, shall be sentenced to a minimum term of
480 imprisonment of 15 years.

481 2. Any person who is convicted of a felony or an attempt to
482 commit a felony listed in subparagraph 1., regardless of whether
483 the use of a weapon is an element of the felony, and during the
484 course of the commission of the felony such person discharged a
485 semiautomatic firearm and its high-capacity box magazine, an
486 assault weapon or a large-capacity magazine as those terms are
487 defined in s. 790.301, or a "machine gun" as defined in s.
488 790.001, shall be sentenced to a minimum term of imprisonment of
489 20 years.

490 3. Any person who is convicted of a felony or an attempt to
491 commit a felony listed in subparagraph 1., regardless of whether
492 the use of a weapon is an element of the felony, and during the
493 course of the commission of the felony such person discharged a

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494 semiautomatic firearm and its high-capacity box magazine, an
495 assault weapon or a large-capacity magazine as those terms are
496 defined in s. 790.301, or a "machine gun" as defined in s.
497 790.001 and, as the result of the discharge, death or great
498 bodily harm was inflicted upon any person, the convicted person
499 shall be sentenced to a minimum term of imprisonment of not less
500 than 25 years and not more than a term of imprisonment of life
501 in prison.

502 Section 3. If any provision of this act or its application
503 to any person or circumstance is held invalid, the invalidity
504 does not affect other provisions or applications of the act
505 which can be given effect without the invalid provision or
506 application, and to this end the provisions of this act are
507 severable.

508 Section 4. This act shall take effect October 1, 2024.