

By Senator Polsky

30-00549-25

2025254\_\_

1                   A bill to be entitled  
2           An act relating to firearms; amending s. 790.001,  
3           F.S.; revising the definition of the term "machine  
4           gun"; amending s. 921.0022, F.S.; ranking certain  
5           offenses related to bump-fire stocks on level 5 of the  
6           offense severity ranking chart of the Criminal  
7           Punishment Code; reenacting ss. 775.087(3)(a) and (d),  
8           784.07(3)(b), 790.06(1)(a), and 921.0024(1)(b), F.S.,  
9           relating to required minimum sentences and legislative  
10          intent, required minimum sentences, the definition of  
11          the term "concealed weapon or concealed firearm," and  
12          the worksheet key for worksheet computations of the  
13          Criminal Punishment Code, respectively, to incorporate  
14          the amendment made to s. 790.001, F.S., in references  
15          thereto; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Subsection (13) of section 790.001, Florida  
20           Statutes, is amended to read:

21           790.001 Definitions.—As used in this chapter, except where  
22           the context otherwise requires:

23           (13) "Machine gun" means any firearm that: ~~which~~

24           (a) Shoots, or is designed to shoot, automatically more  
25           than one shot, without manually reloading, by a single pull  
26           function of the trigger; or

27           (b) Is modified by a conversion kit, a tool, an accessory,  
28           or a device that is used to alter the rate of fire of the  
29           firearm to mimic automatic weapon fire or that is used to

30-00549-25

2025254\_\_

30 increase the rate of fire to a faster rate than is possible for  
 31 a person to fire such firearm unassisted by a conversion kit, a  
 32 tool, an accessory, or a device by a single pull of the trigger.

33 Section 2. Paragraph (e) of subsection (3) of section  
 34 921.0022, Florida Statutes, is amended to read:

35 921.0022 Criminal Punishment Code; offense severity ranking  
 36 chart.—

37 (3) OFFENSE SEVERITY RANKING CHART

38 (e) LEVEL 5

39

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license,

40

41

42

43

30-00549-25

2025254\_\_

44

resulting in death or  
serious bodily injury.

327.30(5)

3rd

Vessel accidents  
involving personal  
injury; leaving scene.

45

379.365(2)(c)1.

3rd

Violation of rules  
relating to: willful  
molestation of stone  
crab traps, lines, or  
buoys; illegal  
bartering, trading, or  
sale, conspiring or  
aiding in such barter,  
trade, or sale, or  
supplying, agreeing to  
supply, aiding in  
supplying, or giving  
away stone crab trap  
tags or certificates;  
making, altering,  
forging, counterfeiting,  
or reproducing stone  
crab trap tags;  
possession of forged,  
counterfeit, or  
imitation stone crab  
trap tags; and engaging

30-00549-25

2025254\_\_

in the commercial  
harvest of stone crabs  
while license is  
suspended or revoked.

46

379.367 (4)

3rd

Willful molestation of a  
commercial harvester's  
spiny lobster trap,  
line, or buoy.

47

379.407 (5) (b) 3.

3rd

Possession of 100 or  
more undersized spiny  
lobsters.

48

381.0041 (11) (b)

3rd

Donate blood, plasma, or  
organs knowing HIV  
positive.

49

440.10 (1) (g)

2nd

Failure to obtain  
workers' compensation  
coverage.

50

440.105 (5)

2nd

Unlawful solicitation  
for the purpose of  
making workers'  
compensation claims.

51

440.381 (2)

3rd

Submission of false,  
misleading, or

30-00549-25

2025254\_\_

incomplete information  
with the purpose of  
avoiding or reducing  
workers' compensation  
premiums.

52

624.401 (4) (b) 2.

2nd

Transacting insurance  
without a certificate or  
authority; premium  
collected \$20,000 or  
more but less than  
\$100,000.

53

626.902 (1) (c)

2nd

Representing an  
unauthorized insurer;  
repeat offender.

54

790.01 (3)

3rd

Unlawful carrying of a  
concealed firearm.

55

790.162

2nd

Threat to throw or  
discharge destructive  
device.

56

790.163 (1)

2nd

False report of bomb,  
explosive, weapon of  
mass destruction, or use  
of firearms in violent  
manner.

	30-00549-25		2025254__
57	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
58	<u>790.222</u>	<u>3rd</u>	<u>Prohibited acts related to bump-fire stocks.</u>
59	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
60	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
61	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
62	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
63	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
64			

30-00549-25 2025254\_\_

65	810.145 (4) (c)	3rd	Commercial digital voyeurism dissemination.
66	810.145 (7) (a)	2nd	Digital voyeurism; 2nd or subsequent offense.
67	810.145 (8) (a)	2nd	Digital voyeurism; certain minor victims.
68	812.014 (2) (d) 3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
69	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
70	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
71	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.

	30-00549-25		2025254__
72	812.015 (8) (g)	3rd	Retail theft; committed with specified number of other persons.
73	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
74	812.081 (3)	2nd	Trafficking in trade secrets.
75	812.131 (2) (b)	3rd	Robbery by sudden snatching.
76	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
77	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
78	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements



30-00549-25

2025254\_\_

79

817.568 (2) (b)

2nd

regarding property values relating to the solvency of an insuring entity.

Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

80

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

81

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

82

825.1025 (4)

3rd

Lewd or lascivious

30-00549-25

2025254\_\_

83	828.12 (2)	3rd	exhibition in the presence of an elderly person or disabled adult.
84	836.14 (4)	2nd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
85	839.13 (2) (b)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
86	843.01 (1)	3rd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
87	847.0135 (5) (b)	2nd	Resist officer with violence to person; resist arrest with violence.
			Lewd or lascivious

30-00549-25

2025254\_\_

88

exhibition using  
computer; offender 18  
years or older.

847.0137  
(2) & (3)

3rd

Transmission of  
pornography by  
electronic device or  
equipment.

89

847.0138  
(2) & (3)

3rd

Transmission of material  
harmful to minors to a  
minor by electronic  
device or equipment.

90

874.05 (1) (b)

2nd

Encouraging or  
recruiting another to  
join a criminal gang;  
second or subsequent  
offense.

91

874.05 (2) (a)

2nd

Encouraging or  
recruiting person under  
13 years of age to join  
a criminal gang.

92

893.13 (1) (a) 1.

2nd

Sell, manufacture, or  
deliver cocaine (or  
other s. 893.03(1) (a),  
(1) (b), (1) (d), (2) (a),

30-00549-25

2025254\_\_

(2) (b), or (2) (c) 5.  
drugs).

93

893.13(1)(c)2.

2nd

Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

94

893.13(1)(d)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.

95

893.13(1)(e)2.

2nd

Sell, manufacture, or deliver cannabis or

30-00549-25

2025254\_\_

other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

96

893.13(1)(f)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.

97

893.13(4)(b)

2nd

Use or hire of minor; deliver to minor other controlled substance.

98

893.1351(1)

3rd

Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

30-00549-25

2025254\_\_

99

100 Section 3. For the purpose of incorporating the amendment  
101 made by this act to section 790.001, Florida Statutes, in  
102 references thereto, paragraphs (a) and (d) of subsection (3) of  
103 section 775.087, Florida Statutes, are reenacted to read:

104 775.087 Possession or use of weapon; aggravated battery;  
105 felony reclassification; minimum sentence.-

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

109 a. Murder;

110 b. Sexual battery;

111 c. Robbery;

112 d. Burglary;

113 e. Arson;

114 f. Aggravated battery;

115 g. Kidnapping;

116 h. Escape;

117 i. Sale, manufacture, delivery, or intent to sell,  
118 manufacture, or deliver any controlled substance;

119 j. Aircraft piracy;

120 k. Aggravated child abuse;

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

122 m. Unlawful throwing, placing, or discharging of a  
123 destructive device or bomb;

124 n. Carjacking;

125 o. Home-invasion robbery;

126 p. Aggravated stalking;

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

30-00549-25

2025254\_\_

128 importation of cocaine, trafficking in illegal drugs, capital  
129 importation of illegal drugs, trafficking in phencyclidine,  
130 capital importation of phencyclidine, trafficking in  
131 methaqualone, capital importation of methaqualone, trafficking  
132 in amphetamine, capital importation of amphetamine, trafficking  
133 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
134 (GHB), trafficking in 1,4-Butanediol, trafficking in  
135 Phenethylamines, or other violation of s. 893.135(1); or

136 r. Human trafficking  
137

138 and during the commission of the offense, such person possessed  
139 a semiautomatic firearm and its high-capacity detachable box  
140 magazine or a machine gun as defined in s. 790.001, shall be  
141 sentenced to a minimum term of imprisonment of 15 years.

142 2. Any person who is convicted of a felony or an attempt to  
143 commit a felony listed in subparagraph 1., regardless of whether  
144 the use of a weapon is an element of the felony, and during the  
145 course of the commission of the felony such person discharged a  
146 semiautomatic firearm and its high-capacity box magazine or a  
147 "machine gun" as defined in s. 790.001 shall be sentenced to a  
148 minimum term of imprisonment of 20 years.

149 3. Any person who is convicted of a felony or an attempt to  
150 commit a felony listed in subparagraph 1., regardless of whether  
151 the use of a weapon is an element of the felony, and during the  
152 course of the commission of the felony such person discharged a  
153 semiautomatic firearm and its high-capacity box magazine or a  
154 "machine gun" as defined in s. 790.001 and, as the result of the  
155 discharge, death or great bodily harm was inflicted upon any  
156 person, the convicted person shall be sentenced to a minimum

30-00549-25

2025254\_\_

157 term of imprisonment of not less than 25 years and not more than  
158 a term of imprisonment of life in prison.

159 (d) It is the intent of the Legislature that offenders who  
160 possess, carry, display, use, threaten to use, or attempt to use  
161 a semiautomatic firearm and its high-capacity detachable box  
162 magazine or a machine gun as defined in s. 790.001 be punished  
163 to the fullest extent of the law, and the minimum terms of  
164 imprisonment imposed pursuant to this subsection shall be  
165 imposed for each qualifying felony count for which the person is  
166 convicted. The court shall impose any term of imprisonment  
167 provided for in this subsection consecutively to any other term  
168 of imprisonment imposed for any other felony offense.

169 Section 4. For the purpose of incorporating the amendment  
170 made by this act to section 790.001, Florida Statutes, in a  
171 reference thereto, paragraph (b) of subsection (3) of section  
172 784.07, Florida Statutes, is reenacted to read:

173 784.07 Assault or battery of law enforcement officers and  
174 other specified personnel; reclassification of offenses; minimum  
175 sentences.—

176 (3) Any person who is convicted of a battery under  
177 paragraph (2)(b) and, during the commission of the offense, such  
178 person possessed:

179 (b) A semiautomatic firearm and its high-capacity  
180 detachable box magazine, as defined in s. 775.087(3), or a  
181 machine gun as defined in s. 790.001, shall be sentenced to a  
182 minimum term of imprisonment of 8 years.

183

184 Notwithstanding s. 948.01, adjudication of guilt or imposition  
185 of sentence shall not be suspended, deferred, or withheld, and



30-00549-25

2025254\_\_

186 the defendant is not eligible for statutory gain-time under s.  
187 944.275 or any form of discretionary early release, other than  
188 pardon or executive clemency, or conditional medical release  
189 under s. 947.149, prior to serving the minimum sentence.

190 Section 5. For the purpose of incorporating the amendment  
191 made by this act to section 790.001, Florida Statutes, in a  
192 reference thereto, paragraph (a) of subsection (1) of section  
193 790.06, Florida Statutes, is reenacted to read:

194 790.06 License to carry concealed weapon or concealed  
195 firearm.—

196 (1) (a) For the purposes of this section, the term  
197 “concealed weapon or concealed firearm” means a handgun,  
198 electric weapon or device, tear gas gun, knife, or billie, but  
199 does not include a machine gun as that term is defined in s.  
200 790.001.

201 Section 6. For the purpose of incorporating the amendment  
202 made by this act to section 790.001, Florida Statutes, in a  
203 reference thereto, paragraph (b) of subsection (1) of section  
204 921.0024, Florida Statutes, is reenacted to read:

205 921.0024 Criminal Punishment Code; worksheet computations;  
206 scoresheets.—

207 (1)

208 (b) WORKSHEET KEY:

209

210 Legal status points are assessed when any form of legal status  
211 existed at the time the offender committed an offense before the  
212 court for sentencing. Four (4) sentence points are assessed for  
213 an offender’s legal status.

214

30-00549-25

2025254\_\_

215 Community sanction violation points are assessed when a  
216 community sanction violation is before the court for sentencing.  
217 Six (6) sentence points are assessed for each community sanction  
218 violation and each successive community sanction violation,  
219 unless any of the following apply:

220 1. If the community sanction violation includes a new  
221 felony conviction before the sentencing court, twelve (12)  
222 community sanction violation points are assessed for the  
223 violation, and for each successive community sanction violation  
224 involving a new felony conviction.

225 2. If the community sanction violation is committed by a  
226 violent felony offender of special concern as defined in s.  
227 948.06:

228 a. Twelve (12) community sanction violation points are  
229 assessed for the violation and for each successive violation of  
230 felony probation or community control where:

231 I. The violation does not include a new felony conviction;  
232 and

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

236 b. Twenty-four (24) community sanction violation points are  
237 assessed for the violation and for each successive violation of  
238 felony probation or community control where the violation  
239 includes a new felony conviction.

240  
241 Multiple counts of community sanction violations before the  
242 sentencing court shall not be a basis for multiplying the  
243 assessment of community sanction violation points.

30-00549-25

2025254\_\_

244

245 Prior serious felony points: If the offender has a primary  
246 offense or any additional offense ranked in level 8, level 9, or  
247 level 10, and one or more prior serious felonies, a single  
248 assessment of thirty (30) points shall be added. For purposes of  
249 this section, a prior serious felony is an offense in the  
250 offender's prior record that is ranked in level 8, level 9, or  
251 level 10 under s. 921.0022 or s. 921.0023 and for which the  
252 offender is serving a sentence of confinement, supervision, or  
253 other sanction or for which the offender's date of release from  
254 confinement, supervision, or other sanction, whichever is later,  
255 is within 3 years before the date the primary offense or any  
256 additional offense was committed.

257

258 Prior capital felony points: If the offender has one or more  
259 prior capital felonies in the offender's criminal record, points  
260 shall be added to the subtotal sentence points of the offender  
261 equal to twice the number of points the offender receives for  
262 the primary offense and any additional offense. A prior capital  
263 felony in the offender's criminal record is a previous capital  
264 felony offense for which the offender has entered a plea of nolo  
265 contendere or guilty or has been found guilty; or a felony in  
266 another jurisdiction which is a capital felony in that  
267 jurisdiction, or would be a capital felony if the offense were  
268 committed in this state.

269

270 Possession of a firearm, semiautomatic firearm, or machine gun:  
271 If the offender is convicted of committing or attempting to  
272 commit any felony other than those enumerated in s. 775.087(2)

30-00549-25

2025254\_\_

273 while having in his or her possession: a firearm as defined in  
274 s. 790.001, an additional eighteen (18) sentence points are  
275 assessed; or if the offender is convicted of committing or  
276 attempting to commit any felony other than those enumerated in  
277 s. 775.087(3) while having in his or her possession a  
278 semiautomatic firearm as defined in s. 775.087(3) or a machine  
279 gun as defined in s. 790.001, an additional twenty-five (25)  
280 sentence points are assessed.

281

282 Sentencing multipliers:

283

284 Drug trafficking: If the primary offense is drug trafficking  
285 under s. 893.135, the subtotal sentence points are multiplied,  
286 at the discretion of the court, for a level 7 or level 8  
287 offense, by 1.5. The state attorney may move the sentencing  
288 court to reduce or suspend the sentence of a person convicted of  
289 a level 7 or level 8 offense, if the offender provides  
290 substantial assistance as described in s. 893.135(4).

291

292 Violent offenses committed against specified justice system  
293 personnel: If the primary offense is a violation of s.  
294 775.0823(2), (3), or (4), the subtotal sentence points are  
295 multiplied by 2.5. If the primary offense is a violation of s.  
296 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
297 are multiplied by 2.0. If the primary offense is a violation of  
298 s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the  
299 subtotal sentence points are multiplied by 1.5.

300

301 Grand theft of a motor vehicle: If the primary offense is grand

30-00549-25

2025254\_\_

302 theft of the third degree involving a motor vehicle and in the  
303 offender's prior record, there are three or more grand thefts of  
304 the third degree involving a motor vehicle, the subtotal  
305 sentence points are multiplied by 1.5.

306

307 Offense related to a criminal gang: If the offender is convicted  
308 of the primary offense and committed that offense for the  
309 purpose of benefiting, promoting, or furthering the interests of  
310 a criminal gang as defined in s. 874.03, the subtotal sentence  
311 points are multiplied by 1.5. If applying the multiplier results  
312 in the lowest permissible sentence exceeding the statutory  
313 maximum sentence for the primary offense under chapter 775, the  
314 court may not apply the multiplier and must sentence the  
315 defendant to the statutory maximum sentence.

316

317 Domestic violence in the presence of a child: If the offender is  
318 convicted of the primary offense and the primary offense is a  
319 crime of domestic violence, as defined in s. 741.28, which was  
320 committed in the presence of a child under 16 years of age who  
321 is a family or household member as defined in s. 741.28(3) with  
322 the victim or perpetrator, the subtotal sentence points are  
323 multiplied by 1.5.

324

325 Adult-on-minor sex offense: If the offender was 18 years of age  
326 or older and the victim was younger than 18 years of age at the  
327 time the offender committed the primary offense, and if the  
328 primary offense was an offense committed on or after October 1,  
329 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
330 violation involved a victim who was a minor and, in the course

30-00549-25

2025254\_\_

331 of committing that violation, the defendant committed a sexual  
332 battery under chapter 794 or a lewd act under s. 800.04 or s.  
333 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
334 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
335 800.04; or s. 847.0135(5), the subtotal sentence points are  
336 multiplied by 2.0. If applying the multiplier results in the  
337 lowest permissible sentence exceeding the statutory maximum  
338 sentence for the primary offense under chapter 775, the court  
339 may not apply the multiplier and must sentence the defendant to  
340 the statutory maximum sentence.

341 Section 7. This act shall take effect July 1, 2025.