

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

26 of such certificates; providing for relinquishment of  
 27 assault weapons or large-capacity magazines; providing  
 28 requirements for transportation of assault weapons or  
 29 large-capacity magazines under certain circumstances;  
 30 providing criminal penalties; specifying circumstances  
 31 in which the manufacture or transportation of assault  
 32 weapons or large-capacity magazines is not prohibited;  
 33 exempting permanently inoperable firearms from certain  
 34 provisions; amending s. 775.087, F.S.; providing  
 35 enhanced criminal penalties for certain offenses when  
 36 committed with an assault weapon or a large-capacity  
 37 magazine; providing for severability; providing an  
 38 effective date.

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

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

44 790.301 Assault weapons.—

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

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

50 a. All AK series, including, but not limited to, the

51 following: AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90,  
52 NHM91, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47,  
53 and Vector Arms AK-47.

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

59 c. Algimec AGM1.

60 d. Barrett 82A1 and REC7.

61 e. Beretta AR-70 and Beretta Storm.

62 f. Bushmaster Auto Rifle.

63 g. Calico Liberty series.

64 h. Chartered Industries of Singapore SR-88.

65 i. Colt Sporter.

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

67 k. FAMAS MAS 223.

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

69 m. Fabrique National FN/FAL, FN/LAR, and FNC.

70 n. FNH PS90, SCAR, and FS2000.

71 o. Goncz High Tech Carbine.

72 p. Hi-Point Carbine.

73 q. HK-91, HK-93, HK-94, SP-89, and HK-PSG-1.

74 r. Kel-Tec Sub-2000, SU series, and RFB.

75 s. M1 Carbine.

- 76 | t. SAR-8, SAR-4800, and SR9.
- 77 | u. SIG 57 AMT and 500 Series.
- 78 | v. SIG Sauer MCX Rifle.
- 79 | w. SKS capable of accepting a detachable magazine.
- 80 | x. SLG 95.
- 81 | y. SLR 95 or 96.
- 82 | z. Spectre Auto Carbine.
- 83 | aa. Springfield Armory BM59, SAR-48, and G-3.
- 84 | bb. Sterling MK-6 and MK-7.
- 85 | cc. Steyr AUG.
- 86 | dd. Sturm Ruger Mini-14 with folding stock.
- 87 | ee. TNW M230 and M2HB.
- 88 | ff. Thompson types, including Thompson T5.
- 89 | gg. UZI, Galil and UZI Sporter, Galil Sporter, Galil
- 90 | Sniper Rifle (Galatz), and Vector Arms UZI.
- 91 | hh. Weaver Arms Nighthawk.
- 92 | 2. All of the following handguns, copies, duplicates, or
- 93 | altered facsimiles with the capability of any such 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.
- 117        w. Thompson TA5 series pistols.
- 118        x. Wilkinson "Linda" pistol.
- 119        3. All of the following shotguns, copies, duplicates, or
- 120 altered facsimiles with the capability of any such weapon:
- 121        a. Armscor 30 BG.
- 122        b. Franchi SPAS-12 and Law-12.
- 123        c. Remington TAC-2 or TACB3 FS.
- 124        d. SPAS 12 and LAW 12.
- 125        e. Striker 12.

- 126        f. Streetsweeper.
- 127        g. Saiga.
- 128        h. USAS-12.
- 129        i. Kel-Tec KSG.
- 130        4. A part or combination of parts that converts a firearm
- 131 into an assault weapon or a combination of parts from which an
- 132 assault weapon may be assembled if those parts are in the
- 133 possession or under the control of the same person.
- 134        5. A semiautomatic firearm not listed in subparagraphs 1.-
- 135 4. which meets any of the following criteria:
- 136        a. A semiautomatic rifle that has the ability to accept a
- 137 detachable magazine and has one or more of the following:
- 138        (I) A folding or telescoping stock;
- 139        (II) A pistol grip, thumbhole stock, Thordsen-type grip or
- 140 stock, or any other characteristic that can function as a grip;
- 141        (III) A bayonet mount;
- 142        (IV) A flash suppressor or threaded barrel designed to
- 143 accommodate a flash suppressor;
- 144        (V) A grenade launcher; or
- 145        (VI) A shroud attached to the barrel, or that partially or
- 146 completely encircles the barrel, allowing the bearer to hold the
- 147 firearm with the nontrigger hand without being burned but that
- 148 excludes a slide that encloses the barrel.
- 149        b. A semiautomatic pistol that has the ability to accept a
- 150 detachable magazine and has one or more of the following:

- 151        (I) The capacity to accept a large-capacity magazine that  
152 attaches to the pistol at a location outside of the pistol grip;
- 153        (II) A threaded barrel capable of accepting a barrel  
154 extender, flash suppressor, forward handgrip, or silencer;
- 155        (III) A slide that encloses the barrel and that permits  
156 the shooter to hold the firearm with the nontrigger hand without  
157 being burned;
- 158        (IV) A manufactured weight of 50 ounces or more when the  
159 pistol is unloaded;
- 160        (V) A semiautomatic version of an automatic firearm;
- 161        (VI) A feature capable of functioning as a protruding grip  
162 that can be held by the nontrigger hand; or
- 163        (VII) A folding, telescoping, or thumbhole stock.
- 164        c. A semiautomatic shotgun that has one or more of the  
165 following:
- 166            (I) A folding or telescoping stock;
- 167            (II) A pistol grip, thumbhole stock, Thordsen-type grip or  
168 stock, or any other characteristic that can function as a grip;
- 169            (III) A fixed magazine capacity in excess of 5 rounds; or
- 170            (IV) An ability to accept a detachable magazine.
- 171        d. A semiautomatic pistol or semiautomatic, centerfire, or  
172 rimfire rifle with a fixed magazine that has the capacity to  
173 accept more than 10 rounds of ammunition.
- 174        e. A part or combination of parts designed or intended to  
175 convert a firearm into an assault weapon or a combination of

176 parts from which an assault weapon may be assembled if those  
 177 parts are in the possession or under the control of the same  
 178 person.

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

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

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

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

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

195 3. A tubular magazine that is contained in a lever-action  
 196 firearm.

197 (e) "Licensed dealer" means a person who has a federal  
 198 firearms license.

199 (2) SALE OR TRANSFER.—

200 (a) A person who, within the state, distributes,



201 transports, or imports into the state; sells, keeps for sale, or  
202 offers or exposes for sale; or transfers an assault weapon or a  
203 large-capacity magazine, in violation of this section, to  
204 another person, except as provided in paragraph (c), commits a  
205 felony of the third degree, punishable as provided in s.  
206 775.082, s. 775.083, or s. 775.084, with a mandatory minimum  
207 term of imprisonment of 2 years.

208 (b) A person who transfers or sells an assault weapon or a  
209 large-capacity magazine to a person under 18 years of age in  
210 violation of this section commits a felony of the second degree,  
211 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
212 with a mandatory minimum term of imprisonment of 6 years.

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

214 1. The sale of assault weapons or large-capacity magazines  
215 to the Department of Law Enforcement, a law enforcement agency  
216 as defined in s. 934.02(10), the Department of Corrections, or  
217 the military or naval forces of the state or of the United  
218 States for use in the discharge of their official duties.

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

225 3. The transfer by bequest or intestate succession of an

226 assault weapon or a large-capacity magazine for which a  
227 certificate of possession has been issued under subsection (4).

228 (3) POSSESSION.—

229 (a) Except as provided in this section or as otherwise  
230 authorized by law, a person who, within the state, possesses an  
231 assault weapon or a large-capacity magazine, commits a felony of  
232 the third degree, punishable as provided in s. 775.082, s.  
233 775.083, or s. 775.084, with a mandatory minimum term of  
234 imprisonment of 1 year.

235 (b) Paragraph (a) does not apply to the possession of  
236 assault weapons or large-capacity magazines by members or  
237 employees of the Department of Law Enforcement, a law  
238 enforcement agency as defined in s. 934.02(10), the Department  
239 of Corrections, or the military or naval forces of the state or  
240 of the United States for use in the discharge of their official  
241 duties; nor does this section prohibit the possession or use of  
242 assault weapons or large-capacity magazines by sworn members of  
243 these agencies when on duty and the use is within the scope of  
244 their duties.

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

248 1. The person is eligible to apply for a certificate of  
249 possession for the assault weapon or large-capacity magazine by  
250 July 1, 2025.

251        2. The person lawfully possessed the assault weapon or  
 252 large-capacity magazine before October 1, 2024.

253        3. The person is otherwise in compliance with this section  
 254 and the applicable requirements of this chapter for possession  
 255 of a firearm.

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

262        (4) CERTIFICATE OF POSSESSION.—

263        (a) A person who lawfully possesses an assault weapon or a  
 264 large-capacity magazine before October 1, 2024, shall apply to  
 265 the Department of Law Enforcement for a certificate of  
 266 possession with respect to such assault weapon or large-capacity  
 267 magazine by October 1, 2025, or, if such person is a member of  
 268 the military or naval forces of the state or of the United  
 269 States and is unable to apply by October 1, 2025, because he or  
 270 she is or was on official duty outside of the state, shall apply  
 271 within 90 days after returning to the state. The certificate  
 272 must contain a description of the assault weapon or large-  
 273 capacity magazine which identifies it uniquely, including all  
 274 identification marks; the full name, address, date of birth, and  
 275 thumbprint of the owner; and any other information as the

276 department may deem appropriate. The department shall adopt  
 277 rules no later than January 1, 2025, to establish procedures  
 278 with respect to the application for, and issuance of,  
 279 certificates of possession under this subsection. The thumbprint  
 280 of the applicant shall be taken by a law enforcement agency or  
 281 the Department of Law Enforcement together with any personal  
 282 identifying information required by federal law to process  
 283 fingerprints. Charges for thumbprint services under this  
 284 paragraph are not subject to the sales tax on fingerprint  
 285 services imposed in s. 212.05(1)(i). The Department of Law  
 286 Enforcement shall conduct a background investigation pursuant to  
 287 this subsection.

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

290 CERTIFICATE OF POSSESSION OF ASSAULT WEAPON

291 Certificate Number:

292 Owner's name: (last, first, middle)

293 Address: (number, street, city or town, state, zip  
 294 code) NO P.O. Boxes

295 Date of birth:

296 Social security number (optional, but will help  
 297 prevent misidentification):

298 Driver license number and state:

299 Manufacturer: importer: serial number: model: caliber:  
 300 unique i.d./markings:

301        Signature of owner

302        Applicant's right thumbprint

303        (c)1. An assault weapon or a large-capacity magazine  
 304 possessed under this section may not be sold or transferred on  
 305 or after January 1, 2025, to a person within the state other  
 306 than to a licensed dealer, as provided in subsection (5), or by  
 307 bequest or intestate succession.

308        2. A person who obtains title to an assault weapon or a  
 309 large-capacity magazine for which a certificate of possession  
 310 has been issued under this subsection by bequest or intestate  
 311 succession shall, within 90 days after obtaining title:

312            a. Apply to the Department of Law Enforcement for a  
 313 certificate of possession as provided in paragraph (a);

314            b. Render the assault weapon or large-capacity magazine  
 315 permanently inoperable;

316            c. Sell the weapon or large-capacity magazine to a  
 317 licensed dealer; or

318            d. Remove the weapon or large-capacity magazine from the  
 319 state.

320        3. A person who moves into the state in lawful possession  
 321 of an assault weapon or a large-capacity magazine shall, within  
 322 90 days after arriving in the state:

323            a. Render the weapon or large-capacity magazine  
 324 permanently inoperable;

325            b. Sell the weapon or large-capacity magazine to a

326 licensed dealer; or

327 c. Remove the weapon or large-capacity magazine from the  
328 state.

329 4. This paragraph does not apply to a person who is a  
330 member of the military or naval forces of the state or of the  
331 United States, is in lawful possession of an assault weapon or a  
332 large-capacity magazine, and has been transferred into the state  
333 after October 1, 2025.

334 (d) A person who has been issued a certificate of  
335 possession for an assault weapon or a large-capacity magazine  
336 under this section may possess the assault weapon or a large-  
337 capacity magazine only under the following conditions:

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

341 2. While on the premises of a target range of a public or  
342 private club or organization organized for the purpose of  
343 practicing shooting at targets;

344 3. While on a target range that holds a regulatory or  
345 business license for the purpose of practicing shooting at that  
346 target range;

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

348 5. While attending an exhibition, display, or educational  
349 project that is about firearms and is sponsored by, conducted  
350 under the auspices of, or approved by a law enforcement agency

351 or a nationally or state-recognized entity that fosters  
352 proficiency in, or promotes education about, firearms; or

353 6. While transporting the assault weapon or large-capacity  
354 magazine between any of the places specified in this subsection,  
355 or to a licensed dealer for servicing or repair pursuant to  
356 paragraph (7)(b), provided the assault weapon or large-capacity  
357 magazine is transported as required by subsection (7).

358 (e) If an applicant for a certificate of possession under  
359 this subsection fails to qualify for such a certificate after  
360 the investigation required under this subsection, the applicant  
361 shall arrange to relinquish all assault weapons or large-  
362 capacity magazines in his or her possession as provided in  
363 subsection (6) within 10 days after issuance of the notice of  
364 qualification failure. Such an applicant who fails to make such  
365 an arrangement within the time specified in this paragraph is in  
366 violation of this section.

367 (5) CERTIFICATE OF TRANSFER.—If an owner of an assault  
368 weapon or a large-capacity magazine sells or transfers the  
369 weapon or magazine to a licensed dealer, he or she shall, at the  
370 time of delivery of the weapon, execute a certificate of  
371 transfer and mail or deliver the certificate to the Department  
372 of Law Enforcement. The certificate shall contain:

373 (a) The date of sale or transfer.

374 (b) The name and address of the seller or transferor and  
375 the licensed dealer and the social security number or driver

376 | license number of each party.

377 |       (c) The licensed dealer's federal firearms license number.

378 |       (d) A description of the weapon, including the caliber of  
 379 | the weapon and its make, model, and serial number.

380 |       (e) Any other information the Department of Law  
 381 | Enforcement prescribes.

382 |  
 383 | The licensed dealer shall present his or her driver license or  
 384 | social security card and federal firearms license to the seller  
 385 | or transferor for inspection at the time of purchase or  
 386 | transfer. The Department of Law Enforcement shall maintain a  
 387 | file of all certificates of transfer at its headquarters.

388 |       (6) RELINQUISHMENT.—An individual may arrange in advance  
 389 | to relinquish an assault weapon or a large-capacity magazine to  
 390 | a law enforcement agency as defined in s. 934.02(10) or to the  
 391 | Department of Law Enforcement. The assault weapon or large-  
 392 | capacity magazine shall be transported in accordance with  
 393 | subsection (7).

394 |       (7) TRANSPORTATION.—

395 |       (a) A licensed dealer who lawfully purchases for resale  
 396 | out of state an assault weapon or a large-capacity magazine  
 397 | under subsection (2) may transport the assault weapon or large-  
 398 | capacity magazine between dealers or out of the state, but a  
 399 | person may not carry a loaded assault weapon concealed from  
 400 | public view or knowingly have in any motor vehicle owned,



401 operated, or occupied by him or her a loaded assault weapon, a  
402 large-capacity magazine, an unloaded assault weapon, or a large-  
403 capacity magazine unless such weapon or large-capacity magazine  
404 is kept in the trunk of such vehicle or in a case or other  
405 container that is inaccessible to the operator of or any  
406 passenger in such vehicle. A person who violates this subsection  
407 commits a misdemeanor of the second degree, punishable as  
408 provided in s. 775.082 or s. 775.083. A licensed dealer may  
409 display the assault weapon or large-capacity magazine at a gun  
410 show or sell it to a buyer outside the state.

411 (b) A licensed dealer may transfer possession of an  
412 assault weapon or a large-capacity magazine received pursuant to  
413 paragraph (a) to a gunsmith for purposes of service or repair of  
414 the assault weapon or large-capacity magazine. Transfers are  
415 permissible only to the following persons:

- 416 1. A gunsmith who is in the dealer's employ; or  
417 2. A gunsmith with whom the dealer has contracted for  
418 gunsmithing services, provided the gunsmith receiving the  
419 assault weapon holds a dealer's license issued pursuant to  
420 chapter 44 of Title 18 of the United States Code, 18 U.S.C. ss.  
421 921 et seq., and regulations issued pursuant thereto.

422 (8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION  
423 NOT PROHIBITED.—This section does not prohibit a person, firm,  
424 or corporation engaged in the business of manufacturing assault  
425 weapons or large-capacity magazines in the state from

426 manufacturing or transporting assault weapons or large-capacity  
 427 magazines in the state for sale within the state under  
 428 subparagraph (2)(c)1. or for sale outside the state.

429 (9) EXCEPTION.—This section does not apply to a firearm  
 430 modified to render it permanently inoperable.

431 Section 2. Paragraph (a) of subsection (3) of section  
 432 775.087, Florida Statutes, is amended to read:

433 775.087 Possession or use of weapon; aggravated battery;  
 434 felony reclassification; minimum sentence.—

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

- 438 a. Murder;
- 439 b. Sexual battery;
- 440 c. Robbery;
- 441 d. Burglary;
- 442 e. Arson;
- 443 f. Aggravated battery;
- 444 g. Kidnapping;
- 445 h. Escape;
- 446 i. Sale, manufacture, delivery, or intent to sell,  
 447 manufacture, or deliver any controlled substance;
- 448 j. Aircraft piracy;
- 449 k. Aggravated child abuse;
- 450 l. Aggravated abuse of an elderly person or disabled

HB 279

2024

451 adult;

452 m. Unlawful throwing, placing, or discharging of a  
453 destructive device or bomb;

454 n. Carjacking;

455 o. Home-invasion robbery;

456 p. Aggravated stalking;

457 q. Trafficking in cannabis, trafficking in cocaine,  
458 capital importation of cocaine, trafficking in illegal drugs,  
459 capital importation of illegal drugs, trafficking in  
460 phencyclidine, capital importation of phencyclidine, trafficking  
461 in methaqualone, capital importation of methaqualone,  
462 trafficking in amphetamine, capital importation of amphetamine,  
463 trafficking in flunitrazepam, trafficking in gamma-  
464 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,  
465 trafficking in Phenethylamines, or other violation of s.  
466 893.135(1); or

467 r. Human trafficking

468

469 and during the commission of the offense, such person possessed  
470 a semiautomatic firearm and its high-capacity detachable box  
471 magazine, an assault weapon or a large-capacity magazine as  
472 those terms are defined in s. 790.301(1), or a machine gun as  
473 defined in s. 790.001, shall be sentenced to a minimum term of  
474 imprisonment of 15 years.

475 2. Any person who is convicted of a felony or an attempt

476 to commit a felony listed in subparagraph 1., regardless of  
 477 whether the use of a weapon is an element of the felony, and  
 478 during the course of the commission of the felony such person  
 479 discharged a semiautomatic firearm and its high-capacity box  
 480 magazine, an assault weapon or a large-capacity magazine as  
 481 those terms are defined in s. 790.301(1), or a "machine gun" as  
 482 defined in s. 790.001 shall be sentenced to a minimum term of  
 483 imprisonment of 20 years.

484 3. Any person who is convicted of a felony or an attempt  
 485 to commit a felony listed in subparagraph 1., regardless of  
 486 whether the use of a weapon is an element of the felony, and  
 487 during the course of the commission of the felony such person  
 488 discharged a semiautomatic firearm and its high-capacity box  
 489 magazine, an assault weapon or a large-capacity magazine as  
 490 those terms are defined in s. 790.301(1), or a "machine gun" as  
 491 defined in s. 790.001 and, as the result of the discharge, death  
 492 or great bodily harm was inflicted upon any person, the  
 493 convicted person shall be sentenced to a minimum term of  
 494 imprisonment of not less than 25 years and not more than a term  
 495 of imprisonment of life in prison.

496 Section 3. If any provision of this act or its application  
 497 to any person or circumstance is held invalid, the invalidity  
 498 does not affect other provisions or applications of the act  
 499 which can be given effect without the invalid provision or  
 500 application, and to this end the provisions of this act are

HB 279

2024

501 | severable.

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