

By Senator Farmer

34-00616-21

2021370\_\_

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; providing requirements for  
12          the certificates; requiring the Department of Law  
13          Enforcement to adopt rules; specifying the form of the  
14          certificates; limiting sales or transfers of assault  
15          weapons or large-capacity magazines documented by such  
16          certificates; providing conditions for continued  
17          possession of such weapons or large-capacity  
18          magazines; providing requirements for an applicant who  
19          fails to qualify for such a certificate; requiring  
20          certificates of transfer for transfers of certain  
21          assault weapons or large-capacity magazines; providing  
22          requirements for certificates of transfer; requiring  
23          the Department of Law Enforcement to maintain a file  
24          of such certificates; providing for relinquishment of  
25          assault weapons or large-capacity magazines; providing  
26          requirements for transportation of assault weapons or  
27          large-capacity magazines under certain circumstances;  
28          providing criminal penalties; specifying circumstances  
29          in which the manufacture or transportation of assault

34-00616-21

2021370\_\_

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

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Section 790.301, Florida Statutes, is created to  
41 read:

42 790.301 Assault weapons.-

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

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

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

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

57 c. Algimec AGM1.

58 d. Barrett 82A1 and REC7.

34-00616-21

2021370\_\_

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

34-00616-21

2021370\_\_

- 88 Rifle (Galatz), or Vector Arms UZI.
- 89 hh. Weaver Arms Nighthawk.
- 90 2. All of the following handguns, copies, duplicates, or
- 91 altered facsimiles with the capability of any such weapon:
- 92 a. AK-47 pistol, Mini AK-47 pistol.
- 93 b. AR-15 pistol.
- 94 c. Australian Automatic Arms SAP pistol.
- 95 d. Bushmaster Auto Pistol.
- 96 e. Calico Liberty series pistols.
- 97 f. Encom MK-IV, MP-9, and MP-45.
- 98 g. Feather AT-9 and Mini-AT.
- 99 h. Goncz High Tech Long pistol.
- 100 i. Holmes MP-83.
- 101 j. Iver Johnson Enforcer.
- 102 k. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and
- 103 Velocity Arms VMA series.
- 104 l. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10.
- 105 m. UZI pistol, Micro-UZI pistol.
- 106 n. Colefire Magnum.
- 107 o. Scarab Skorpion.
- 108 p. Spectre Auto pistol.
- 109 q. German Sport 522 PK.
- 110 r. Chiappa Firearms Mfour-22.
- 111 s. DSA SA58 PKP FAL.
- 112 t. I.O. Inc. PPS-43C.
- 113 u. Kel-Tec PLR-16 pistol.
- 114 v. SIG Sauer P556 pistol.
- 115 w. Thompson TA5 series pistols.
- 116 x. Wilkinson "Linda" pistol.

34-00616-21

2021370\_\_

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

34-00616-21

2021370\_\_

146 firearm with the non-trigger hand without being burned, but  
147 excludes a slide that encloses the barrel.

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

150 (I) The capacity to accept a large-capacity magazine that  
151 attaches to the pistol at any location outside of the pistol  
152 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 the  
156 shooter to hold the firearm with the non-trigger 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) Any feature capable of functioning as a protruding  
162 grip that can be held by the non-trigger 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, a thumbhole stock or Thordsen-type grip  
168 or stock, or any other characteristic that can function as a  
169 grip;

170 (III) A thumbhole stock;

171 (IV) A fixed magazine capacity in excess of 5 rounds; or

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

173 d. Any semiautomatic pistol or any semiautomatic,  
174 centerfire, or rimfire rifle with a fixed magazine that has the

34-00616-21

2021370\_\_

175 capacity to accept more than 10 rounds of ammunition.

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

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

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

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

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

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

197 3. A tubular magazine that is contained in a lever-action  
198 firearm.

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

201 (2) SALE OR TRANSFER.—

202 (a) A person who, within this state, distributes,  
203 transports, or imports into the state, sells, keeps for sale, or

34-00616-21

2021370\_\_

204 offers or exposes for sale, or who gives an assault weapon or  
205 large-capacity magazine, in violation of this section, except as  
206 provided in paragraph (c), commits a felony of the third degree,  
207 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
208 with a mandatory minimum term of imprisonment of 2 years.

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

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

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

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

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

230 (3) POSSESSION.—

231 (a) Except as provided in subsection (5), a person who,  
232 within this state, possesses any assault weapon or large-



34-00616-21

2021370\_\_

233 capacity magazine, except as provided in this section or as  
234 otherwise authorized by law, commits a felony of the third  
235 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
236 775.084, with a mandatory minimum term of imprisonment of 1  
237 year.

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

248 (c) Paragraph (a) does not apply to the possession of an  
249 assault weapon or a large-capacity magazine by a person before  
250 July 1, 2022, if all of the following are applicable:

251 1. The person is eligible to apply for a certificate of  
252 possession for the assault weapon or large-capacity magazine by  
253 July 1, 2022;

254 2. The person lawfully possessed the assault weapon or  
255 large-capacity magazine before October 1, 2021; and

256 3. The person is otherwise in compliance with this section  
257 and the applicable requirements of this chapter for possession  
258 of a firearm.

259 (d) Paragraph (a) does not apply to a person who is the  
260 executor or administrator of an estate that includes an assault  
261 weapon or a large-capacity magazine for which a certificate of

34-00616-21

2021370\_\_

262 possession has been issued under subsection (4), if the assault  
263 weapon is possessed at a place set forth in subparagraph  
264 (4) (d) 1. or as authorized by the probate court.

265 (4) CERTIFICATE OF POSSESSION.—

266 (a) A person who lawfully possesses an assault weapon or a  
267 large-capacity magazine before October 1, 2021, shall apply by  
268 October 1, 2022, or, if such person is a member of the military  
269 or naval forces of this state or of the United States and is  
270 unable to apply by October 1, 2022, because he or she is or was  
271 on official duty outside of this state, shall apply within 90  
272 days of returning to the state to the Department of Law  
273 Enforcement, for a certificate of possession with respect to  
274 such assault weapon or large-capacity magazine. The certificate  
275 must contain a description of the assault weapon or large-  
276 capacity magazine which identifies it uniquely, including all  
277 identification marks; the full name, address, date of birth, and  
278 thumbprint of the owner; and any other information as the  
279 department may deem appropriate. The department shall adopt  
280 rules no later than January 1, 2022, to establish procedures  
281 with respect to the application for, and issuance of,  
282 certificates of possession pursuant to this section. The  
283 thumbprint of the applicant shall be taken by a law enforcement  
284 agency or the Department of Law Enforcement together with any  
285 personal identifying information required by federal law to  
286 process fingerprints. Charges for thumbprint services under this  
287 paragraph are not subject to the sales tax on fingerprint  
288 services imposed in s. 212.05(1)(i). The Department of Law  
289 Enforcement shall conduct a background investigation pursuant to  
290 this subsection.

34-00616-21

2021370\_\_

291       (b) A certificate of possession issued under this  
292 subsection must be in substantially the following form:  
293 CERTIFICATE OF POSSESSION OF ASSAULT WEAPON  
294 Certificate Number:  
295 Owner's name: (Last, First, Middle)  
296 Address: (Number, Street, City or Town, State, Zip Code) NO  
297 P.O. Boxes  
298 Date of Birth:  
299 Social Security Number (Optional, but will help prevent  
300 misidentification):  
301 Driver License Number and State:  
302 Manufacturer: Importer: Serial Number: Model: Caliber: Unique  
303 I.D./Markings:  
304 Signature of Owner  
305 Applicant's Right Thumbprint  
306       (c) An assault weapon or a large-capacity magazine  
307 possessed pursuant to this section may not be sold or  
308 transferred on or after January 1, 2022, to a person within this  
309 state other than to a licensed gun dealer, as provided in  
310 subsection (5), or by a bequest or intestate succession. A  
311 person who obtains title to an assault weapon or a large-  
312 capacity magazine for which a certificate of possession has been  
313 issued under this section by bequest or intestate succession  
314 shall, within 90 days of obtaining title, apply to the  
315 Department of Law Enforcement for a certificate of possession as  
316 provided in paragraph (a), render the assault weapon or large-  
317 capacity magazine permanently inoperable, sell the weapon or  
318 large-capacity magazine to a licensed gun dealer, or remove the  
319 weapon or large-capacity magazine from the state. A person who

34-00616-21

2021370\_\_

320 moves into the state in lawful possession of an assault weapon  
321 or a large-capacity magazine shall, within 90 days, either  
322 render the weapon or large-capacity magazine permanently  
323 inoperable, sell the weapon or large-capacity magazine to a  
324 licensed gun dealer, or remove the weapon or large-capacity  
325 magazine from this state. This paragraph does not apply to a  
326 person who is a member of the military or naval forces of this  
327 state or of the United States, is in lawful possession of an  
328 assault weapon or a large-capacity magazine, and has been  
329 transferred into the state after October 1, 2022.

330 (d) A person who has been issued a certificate of  
331 possession for an assault weapon or a large-capacity magazine  
332 under this section may possess it only under the following  
333 conditions:

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

337 2. While on the premises of a target range of a public or  
338 private club or organization organized for the purpose of  
339 practicing shooting at targets;

340 3. While on a target range that holds a regulatory or  
341 business license for the purpose of practicing shooting at that  
342 target range;

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

344 5. While attending any exhibition, display, or educational  
345 project that is about firearms and is sponsored by, conducted  
346 under the auspices of, or approved by a law enforcement agency  
347 or a nationally or state-recognized entity that fosters  
348 proficiency in, or promotes education about, firearms; or

34-00616-21

2021370\_\_

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

354 (e) If an applicant for a certificate of possession under  
355 this subsection fails to qualify for such a certificate after  
356 the investigation required under this subsection, the applicant  
357 shall arrange to relinquish all assault weapons or large-  
358 capacity magazines in his or her possession as provided in  
359 subsection (7) within 10 days of issuance of the notice of such  
360 failure. Such an applicant who fails to make such an arrangement  
361 within the time specified in this paragraph is thereafter in  
362 violation of this section.

363 (5) CERTIFICATE OF TRANSFER.—If an owner of an assault  
364 weapon or a large-capacity magazine sells or transfers the  
365 weapon or magazine to a licensed gun dealer, he or she shall, at  
366 the time of delivery of the weapon, execute a certificate of  
367 transfer and cause the certificate to be mailed or delivered to  
368 the Department of Law Enforcement. The certificate shall  
369 contain:

370 (a) The date of sale or transfer.

371 (b) The name and address of the seller or transferor and  
372 the licensed gun dealer and their social security numbers or  
373 driver license numbers.

374 (c) The licensed gun dealer's federal firearms license  
375 number.

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

34-00616-21

2021370\_\_

378 (e) Any other information the Department of Law Enforcement  
379 prescribes.

380

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

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

392 (7) TRANSPORTATION.—

393 (a) A licensed gun dealer who lawfully purchases for resale  
394 out of state an assault weapon or a large-capacity magazine  
395 pursuant to subsection (2) may transport the assault weapon or  
396 large-capacity magazine between dealers or out of the state, but  
397 no person shall carry a loaded assault weapon concealed from  
398 public view or knowingly have in any motor vehicle owned,  
399 operated, or occupied by him a loaded assault weapon or an  
400 unloaded assault weapon, unless such weapon is kept in the trunk  
401 of such vehicle or in a case or other container that is  
402 inaccessible to the operator of or any passenger in such  
403 vehicle. A person who violates this subsection commits a  
404 misdemeanor of the second degree, punishable as provided in s.  
405 775.082 or s. 775.083. Any licensed gun dealer may display the  
406 assault weapon or large-capacity magazine at any gun show or

34-00616-21

2021370\_\_

407 sell it to a buyer outside the state.

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

413 1. A gunsmith who is in the dealer's employ; or

414 2. A gunsmith with whom the dealer has contracted for  
415 gunsmithing services, provided the gunsmith receiving the  
416 assault weapon holds a dealer's license issued pursuant to  
417 chapter 44 of Title 18 of the United States Code, 18 U.S.C. ss.  
418 921 et seq., and the regulations issued pursuant thereto.

419 (8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION  
420 NOT PROHIBITED.—This section does not prohibit any person, firm,  
421 or corporation engaged in the business of manufacturing assault  
422 weapons or large-capacity magazines in this state from  
423 manufacturing or transporting assault weapons or large-capacity  
424 magazines in this state for sale within this state in accordance  
425 with subparagraph (2)(c)1. or for sale outside this state.

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

428 Section 2. Paragraph (a) of subsection (3) of section  
429 775.087, Florida Statutes, is amended to read:

430 775.087 Possession or use of weapon; aggravated battery;  
431 felony reclassification; minimum sentence.—

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

435 a. Murder;

34-00616-21

2021370\_\_

436           b. Sexual battery;  
437           c. Robbery;  
438           d. Burglary;  
439           e. Arson;  
440           f. Aggravated battery;  
441           g. Kidnapping;  
442           h. Escape;  
443           i. Sale, manufacture, delivery, or intent to sell,  
444 manufacture, or deliver any controlled substance;  
445           j. Aircraft piracy;  
446           k. Aggravated child abuse;  
447           l. Aggravated abuse of an elderly person or disabled adult;  
448           m. Unlawful throwing, placing, or discharging of a  
449 destructive device or bomb;  
450           n. Carjacking;  
451           o. Home-invasion robbery;  
452           p. Aggravated stalking; or  
453           q. Trafficking in cannabis, trafficking in cocaine, capital  
454 importation of cocaine, trafficking in illegal drugs, capital  
455 importation of illegal drugs, trafficking in phencyclidine,  
456 capital importation of phencyclidine, trafficking in  
457 methaqualone, capital importation of methaqualone, trafficking  
458 in amphetamine, capital importation of amphetamine, trafficking  
459 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
460 (GHB), trafficking in 1,4-Butanediol, trafficking in  
461 Phenethylamines, or other violation of s. 893.135(1);  
462  
463 and during the commission of the offense, such person possessed  
464 a semiautomatic firearm and its high-capacity detachable box



34-00616-21

2021370\_\_

465 magazine, an assault weapon or a large-capacity magazine as  
466 those terms are defined in s. 790.301, or a machine gun as  
467 defined in s. 790.001, shall be sentenced to a minimum term of  
468 imprisonment of 15 years.

469 2. Any person who is convicted of a felony or an attempt to  
470 commit a felony listed in subparagraph (a)1., regardless of  
471 whether the use of a weapon is an element of the felony, and  
472 during the course of the commission of the felony such person  
473 discharged a semiautomatic firearm and its high-capacity box  
474 magazine, an assault weapon or a large-capacity magazine as  
475 those terms are defined in s. 790.301, or a "machine gun" as  
476 defined in s. 790.001 shall be sentenced to a minimum term of  
477 imprisonment of 20 years.

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

490 Section 3. If any provision of this act or its application  
491 to any person or circumstance is held invalid, the invalidity  
492 does not affect other provisions or applications of the act  
493 which can be given effect without the invalid provision or

34-00616-21

2021370\_\_

494 application, and to this end the provisions of this act are  
495 severable.

496 Section 4. This act shall take effect October 1, 2021.