



OLR RESEARCH REPORT

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FLORIDA'S "10-20-LIFE" LAW

You asked for a summary of Florida's "10-20-Life" law.

Florida's "10-20-Life" law is a law that requires courts to impose a minimum sentence of 10 years, 20 years, or 25 years to life for certain felony convictions involving the use or attempted use of a firearm or destructive device. If the firearm is an assault weapon or machine gun, they must impose a sentence of 15 years, 20 years, or 25 years to life. The penalty is in addition and consecutive to the sentence for the underlying felony conviction (Fla. Stat. § 775.087).

Courts must impose the mandatory minimum sentences in convictions for committing or attempting to commit any of the following felonies, regardless of whether the use of the weapon was an element of the crime:

1. murder;
2. sexual battery;
3. robbery;
4. burglary;
5. arson;
6. aggravated assault;

7. aggravated battery;
8. kidnapping;
9. escape;
10. aircraft piracy;
11. aggravated child abuse;
12. aggravated abuse of an elderly person or disabled adult;
13. unlawful throwing, placing, or discharging of a destructive device or bomb;
14. carjacking;
15. home invasion robbery;
16. aggravated stalking;
17. drug trafficking and capital importation of cocaine and other illegal drugs; and
18. possession of firearm by a felon.

Under the “10-20-life” law, courts must impose a:

1. 10-year prison sentence on anyone convicted of committing or attempting to commit any of the above felonies (with certain exceptions), while armed with a firearm or destructive device;
2. 20-year prison term if the accused fired the firearm; and
3. 25-year to life term if the accused discharged the firearm and killed or seriously hurt someone.

The courts must impose a minimum three-year term, instead of a 10-year term, if the defendant is convicted for aggravated assault, possession of a firearm by a felon, or burglary of a conveyance (i.e., car, boat, or other vessel).

If the firearm used in the felony is a semiautomatic with a high-capacity box magazine or a machine gun, the minimum mandatory prison terms are 15 years, 20 years, and 25 years to life.

The three-year minimum sentence provision for certain crimes does not apply in cases involving these firearms. Also, the enhanced penalties for convictions involving these firearms do not apply if the underlying crime was possession of a firearm by a felon.

Courts must impose the minimum sentence regardless of any mitigating circumstance. No part of the sentence may be suspended, deferred, or withheld, and defendants are not eligible for any discretionary early release, other than pardon or clemency, or conditional medical release, before serving the minimum sentence.

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