



195724

LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) of section 893.135, Florida
Statutes, is amended to read:

893.135 Trafficking; mandatory sentences; suspension or
reduction of sentences; conspiracy to engage in trafficking.—

(3) (a) Notwithstanding the provisions of s. 948.01 and
except as provided in paragraph (b), with respect to any person



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11 who is found to have violated this section, adjudication of
12 guilt or imposition of sentence shall not be suspended,
13 deferred, or withheld, nor shall such person be eligible for
14 parole prior to serving the mandatory minimum term of
15 imprisonment prescribed by this section.

16 (b) A person currently incarcerated for a violation of
17 subparagraph (1)(c)1. committed on or before July 1, 2014, may
18 petition the sentencing court for resentencing under current law
19 ~~A person sentenced to a mandatory minimum term of imprisonment~~
20 ~~under this section is not eligible for any form of discretionary~~
21 ~~early release, except pardon or executive clemency or~~
22 ~~conditional medical release under s. 947.149, prior to serving~~
23 ~~the mandatory minimum term of imprisonment.~~

24 Section 2. Section 893.22, Florida Statutes, is created to
25 read:

26 893.22 Departure from mandatory minimum sentences.—For an
27 offense listed under this chapter committed on or after October
28 1, 2015, which carries a mandatory minimum sentence, a court
29 must impose the mandatory minimum sentence unless the court
30 finds that such sentence is not necessary for the protection of
31 the public. If a court finds that it is not necessary for the
32 protection of the public to sentence the defendant to the
33 mandatory minimum sentence, the court shall provide written
34 reasons or a written transcript of orally stated reasons as
35 permissible, if filed by the court within 7 days after the date
36 of sentencing. Each month, a court shall submit to the Office of
37 Economic and Demographic Research of the Legislature the written
38 reasons or transcripts in each case in which the court
39 determined not to sentence a defendant to the mandatory minimum



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40 sentence.

41 Section 3. This act shall take effect July 1, 2015.

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43 ===== T I T L E A M E N D M E N T =====

44 And the title is amended as follows:

45 Delete everything before the enacting clause

46 and insert:

47 A bill to be entitled

48 An act relating to sentencing; amending s. 893.135,
49 F.S.; providing an exception to certain sentencing
50 prohibitions; authorizing a person incarcerated for a
51 specified violation on or before a specified date to
52 petition the court for resentencing; deleting a
53 provision prohibiting a person sentenced to a
54 mandatory minimum term of imprisonment from certain
55 eligibility; creating s. 893.22, F.S.; requiring a
56 court to impose the mandatory minimum sentence for
57 certain offenses committed on or after a specified
58 date; providing an exception; requiring a court to
59 provide certain written documentation under certain
60 circumstances; requiring a court to submit a monthly
61 report to the Office of Economic and Demographic
62 Research specifying certain information; providing an
63 effective date.