



812936

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
10/05/2015	.	
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The Committee on Criminal Justice (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 15 - 227

and insert:

Section 2. Subsections (2), (3), and (6) of section 775.087, Florida Statutes, are amended to read:

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

(2)(a)1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a



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11 | weapon is an element of the felony, and the conviction was for:  
12 |       a. Murder;  
13 |       b. Sexual battery;  
14 |       c. Robbery;  
15 |       d. Burglary;  
16 |       e. Arson;  
17 |       ~~f. Aggravated assault;~~  
18 |       f.g. Aggravated battery;  
19 |       g.h. Kidnapping;  
20 |       h.i. Escape;  
21 |       i.j. Aircraft piracy;  
22 |       j.k. Aggravated child abuse;  
23 |       k.l. Aggravated abuse of an elderly person or disabled  
24 | adult;  
25 |       l.m. Unlawful throwing, placing, or discharging of a  
26 | destructive device or bomb;  
27 |       m.n. Carjacking;  
28 |       n.o. Home-invasion robbery;  
29 |       o.p. Aggravated stalking;  
30 |       p.q. Trafficking in cannabis, trafficking in cocaine,  
31 | capital importation of cocaine, trafficking in illegal drugs,  
32 | capital importation of illegal drugs, trafficking in  
33 | phencyclidine, capital importation of phencyclidine, trafficking  
34 | in methaqualone, capital importation of methaqualone,  
35 | trafficking in amphetamine, capital importation of amphetamine,  
36 | trafficking in flunitrazepam, trafficking in gamma-  
37 | hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,  
38 | trafficking in Phenethylamines, or other violation of s.  
39 | 893.135(1); or



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40           ~~q.f.~~ Possession of a firearm by a felon  
41  
42 and during the commission of the offense, such person actually  
43 possessed a "firearm" or "destructive device" as those terms are  
44 defined in s. 790.001, shall be sentenced to a minimum term of  
45 imprisonment of 10 years, except that a person who is convicted  
46 for ~~aggravated assault~~, possession of a firearm by a felon, or  
47 burglary of a conveyance shall be sentenced to a minimum term of  
48 imprisonment of 3 years if such person possessed a "firearm" or  
49 "destructive device" during the commission of the offense.  
50 However, if an offender who is convicted of the offense of  
51 possession of a firearm by a felon has a previous conviction of  
52 committing or attempting to commit a felony listed in s.  
53 775.084(1)(b)1. and actually possessed a firearm or destructive  
54 device during the commission of the prior felony, the offender  
55 shall be sentenced to a minimum term of imprisonment of 10  
56 years.

57           2. Any person who is convicted of a felony or an attempt to  
58 commit a felony listed in sub-subparagraphs ~~(a)1.a.-p. (a)1.a.-~~  
59 ~~q.~~, regardless of whether the use of a weapon is an element of  
60 the felony, and during the course of the commission of the  
61 felony such person discharged a "firearm" or "destructive  
62 device" as defined in s. 790.001 shall be sentenced to a minimum  
63 term of imprisonment of 20 years.

64           3. Any person who is convicted of a felony or an attempt to  
65 commit a felony listed in sub-subparagraphs ~~(a)1.a.-p. (a)1.a.-~~  
66 ~~q.~~, regardless of whether the use of a weapon is an element of  
67 the felony, and during the course of the commission of the  
68 felony such person discharged a "firearm" or "destructive



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69 device" as defined in s. 790.001 and, as the result of the  
70 discharge, death or great bodily harm was inflicted upon any  
71 person, the convicted person shall be sentenced to a minimum  
72 term of imprisonment of not less than 25 years and not more than  
73 a term of imprisonment of life in prison.

74 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
75 (a)3. does not prevent a court from imposing a longer sentence  
76 of incarceration as authorized by law in addition to the minimum  
77 mandatory sentence, or from imposing a sentence of death  
78 pursuant to other applicable law. Subparagraph (a)1.,  
79 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
80 court to impose a lesser sentence than otherwise required by  
81 law.

82  
83 Notwithstanding s. 948.01, adjudication of guilt or imposition  
84 of sentence shall not be suspended, deferred, or withheld, and  
85 the defendant is not eligible for statutory gain-time under s.  
86 944.275 or any form of discretionary early release, other than  
87 pardon or executive clemency, or conditional medical release  
88 under s. 947.149, prior to serving the minimum sentence.

89 (c) If the minimum mandatory terms of imprisonment imposed  
90 pursuant to this section exceed the maximum sentences authorized  
91 by s. 775.082, s. 775.084, or the Criminal Punishment Code under  
92 chapter 921, then the mandatory minimum sentence must be  
93 imposed. If the mandatory minimum terms of imprisonment pursuant  
94 to this section are less than the sentences that could be  
95 imposed as authorized by s. 775.082, s. 775.084, or the Criminal  
96 Punishment Code under chapter 921, then the sentence imposed by  
97 the court must include the mandatory minimum term of



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98 imprisonment as required in this section.

99 (d) It is the intent of the Legislature that offenders who  
100 actually possess, carry, display, use, threaten to use, or  
101 attempt to use firearms or destructive devices be punished to  
102 the fullest extent of the law, and the minimum terms of  
103 imprisonment imposed pursuant to this subsection shall be  
104 imposed for each qualifying felony count for which the person is  
105 convicted. The court shall impose any term of imprisonment  
106 provided for in this subsection consecutively to any other term  
107 of imprisonment imposed for any other felony offense.

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

- 111 a. Murder;
- 112 b. Sexual battery;
- 113 c. Robbery;
- 114 d. Burglary;
- 115 e. Arson;
- 116 ~~f. Aggravated assault;~~
- 117 ~~f.g.~~ Aggravated battery;
- 118 ~~g.h.~~ Kidnapping;
- 119 ~~h.i.~~ Escape;
- 120 ~~i.j.~~ Sale, manufacture, delivery, or intent to sell,  
121 manufacture, or deliver any controlled substance;
- 122 ~~j.k.~~ Aircraft piracy;
- 123 ~~k.l.~~ Aggravated child abuse;
- 124 ~~l.m.~~ Aggravated abuse of an elderly person or disabled  
125 adult;
- 126 ~~m.n.~~ Unlawful throwing, placing, or discharging of a



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127 destructive device or bomb;  
128       ~~n.e.~~ Carjacking;  
129       ~~o.p.~~ Home-invasion robbery;  
130       ~~p.e.~~ Aggravated stalking; or  
131       ~~q.r.~~ Trafficking in cannabis, trafficking in cocaine,  
132 capital importation of cocaine, trafficking in illegal drugs,  
133 capital importation of illegal drugs, trafficking in  
134 phencyclidine, capital importation of phencyclidine, trafficking  
135 in methaqualone, capital importation of methaqualone,  
136 trafficking in amphetamine, capital importation of amphetamine,  
137 trafficking in flunitrazepam, trafficking in gamma-  
138 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,  
139 trafficking in Phenethylamines, or other violation of s.  
140 893.135(1);

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

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

153       3. Any person who is convicted of a felony or an attempt to  
154 commit a felony listed in subparagraph (a)1., regardless of  
155 whether the use of a weapon is an element of the felony, and



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156 during the course of the commission of the felony such person  
157 discharged a semiautomatic firearm and its high-capacity box  
158 magazine or a "machine gun" as defined in s. 790.001 and, as the  
159 result of the discharge, death or great bodily harm was  
160 inflicted upon any person, the convicted person shall be  
161 sentenced to a minimum term of imprisonment of not less than 25  
162 years and not more than a term of imprisonment of life in  
163 prison.

164 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
165 (a)3. does not prevent a court from imposing a longer sentence  
166 of incarceration as authorized by law in addition to the minimum  
167 mandatory sentence, or from imposing a sentence of death  
168 pursuant to other applicable law. Subparagraph (a)1.,  
169 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
170 court to impose a lesser sentence than otherwise required by  
171 law.

172  
173 Notwithstanding s. 948.01, adjudication of guilt or imposition  
174 of sentence shall not be suspended, deferred, or withheld, and  
175 the defendant is not eligible for statutory gain-time under s.  
176 944.275 or any form of discretionary early release, other than  
177 pardon or executive clemency, or conditional medical release  
178 under s. 947.149, prior to serving the minimum sentence.

179 (c) If the minimum mandatory terms of imprisonment imposed  
180 pursuant to this section exceed the maximum sentences authorized  
181 by s. 775.082, s. 775.084, or the Criminal Punishment Code under  
182 chapter 921, then the mandatory minimum sentence must be  
183 imposed. If the mandatory minimum terms of imprisonment pursuant  
184 to this section are less than the sentences that could be



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185 imposed as authorized by s. 775.082, s. 775.084, or the Criminal  
186 Punishment Code under chapter 921, then the sentence imposed by  
187 the court must include the mandatory minimum term of  
188 imprisonment as required in this section.

189 (d) It is the intent of the Legislature that offenders who  
190 possess, carry, display, use, threaten to use, or attempt to use  
191 a semiautomatic firearm and its high-capacity detachable box  
192 magazine or a machine gun as defined in s. 790.001 be punished  
193 to the fullest extent of the law, and the minimum terms of  
194 imprisonment imposed pursuant to this subsection shall be  
195 imposed for each qualifying felony count for which the person is  
196 convicted. The court shall impose any term of imprisonment  
197 provided for in this subsection consecutively to any other term  
198 of imprisonment imposed for any other felony offense.

199 (e) As used in this subsection, the term:

200 1. "High-capacity detachable box magazine" means any  
201 detachable box magazine, for use in a semiautomatic firearm,  
202 which is capable of being loaded with more than 20 centerfire  
203 cartridges.

204 2. "Semiautomatic firearm" means a firearm which is capable  
205 of firing a series of rounds by separate successive depressions  
206 of the trigger and which uses the energy of discharge to perform  
207 a portion of the operating cycle.

208 (6) Notwithstanding s. 27.366, the sentencing court shall  
209 not impose the mandatory minimum sentence required by subsection  
210 (2) or subsection (3) ~~for a conviction for aggravated assault~~ if  
211 the court makes written findings that:

212 (a) The defendant had a good faith belief that the use or  
213 threatened use of force ~~aggravated assault~~ was justifiable



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214 pursuant to chapter 776.

215 ~~(b) The aggravated assault was not committed in the course~~  
216 ~~of committing another criminal offense.~~

217 (b)~~(e)~~ The defendant does not pose a threat to public  
218 safety.

219 (c)~~(d)~~ The totality of the circumstances involved in the  
220 offense does ~~do~~ not justify the imposition of such sentence.

221 Section 3. Paragraph (d) of subsection (2) of section  
222 985.557, Florida Statutes, is amended to read:

223 985.557 Direct filing of an information; discretionary and  
224 mandatory criteria.—

225 (2) MANDATORY DIRECT FILE.—

226 (d)1. With respect to any child who was 16 or 17 years of  
227 age at the time the alleged offense was committed, the state  
228 attorney shall file an information if the child has been charged  
229 with committing or attempting to commit an offense listed in s.  
230 775.087(2)(a)1.a.-p. ~~s. 775.087(2)(a)1.a.-q.~~, and, during the  
231 commission of or attempt to commit the offense, the child:

232 a. Actually possessed a firearm or destructive device, as  
233 those terms are defined in s. 790.001.

234 b. Discharged a firearm or destructive device, as described  
235 in s. 775.087(2)(a)2.

236 c. Discharged a firearm or destructive device, as described  
237 in s. 775.087(2)(a)3., and, as a result of the discharge, death  
238 or great bodily harm was inflicted upon any person.

239 2. Upon transfer, any child who is:

240 a. Charged under sub-subparagraph 1.a. and who has been  
241 previously adjudicated or had adjudication withheld for a  
242 forcible felony offense or any offense involving a firearm, or



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243 who has been previously placed in a residential commitment  
244 program, shall be subject to sentencing under s. 775.087(2)(a),  
245 notwithstanding s. 985.565.

246 b. Charged under sub-subparagraph 1.b. or sub-subparagraph  
247 1.c., shall be subject to sentencing under s. 775.087(2)(a),  
248 notwithstanding s. 985.565.

249 3. Upon transfer, any child who is charged under this  
250 paragraph, but who does not meet the requirements specified in  
251 subparagraph 2., shall be sentenced under s. 985.565; however,  
252 if the court imposes a juvenile sanction, the court must commit  
253 the child to a high-risk or maximum-risk juvenile facility.

254 4. This paragraph shall not apply if the state attorney has  
255 good cause to believe that exceptional circumstances exist that  
256 preclude the just prosecution of the child in adult court.

257 5. The Department of Corrections shall make every  
258 reasonable effort to ensure that any child 16 or 17 years of age  
259 who is convicted and sentenced under this paragraph be  
260 completely separated such that there is no physical contact with  
261 adult offenders in the facility, to the extent that it is  
262 consistent with chapter 958.

263 Section 4. For the purpose of incorporating the amendment  
264 made by this act to section 775.087, Florida Statutes, in a  
265 reference thereto, section 27.366, Florida Statutes, is  
266 reenacted to read:

267 27.366 Legislative intent and policy in cases meeting  
268 criteria of s. 775.087(2) and (3).—It is the intent of the  
269 Legislature that convicted criminal offenders who meet the  
270 criteria in s. 775.087(2) and (3) be sentenced to the minimum  
271 mandatory prison terms provided therein. It is the intent of the



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272 Legislature to establish zero tolerance of criminals who use,  
273 threaten to use, or avail themselves of firearms in order to  
274 commit crimes and thereby demonstrate their lack of value for  
275 human life. It is also the intent of the Legislature that  
276 prosecutors should appropriately exercise their discretion in  
277 those cases in which the offenders' possession of the firearm is  
278 incidental to the commission of a crime and not used in  
279 furtherance of the crime, used in order to commit the crime, or  
280 used in preparation to commit the crime. For every case in which  
281 the offender meets the criteria in this act and does not receive  
282 the mandatory minimum prison sentence, the state attorney must  
283 explain the sentencing deviation in writing and place such  
284 explanation in the case file maintained by the state attorney.

285 Section 5. For the purpose of incorporating the amendment  
286 made by this act to section 775.087, Florida Statutes, in a  
287 reference thereto, subsection (2) of section 921.0022, Florida  
288 Statutes, is reenacted to read:

289 921.0022 Criminal Punishment Code; offense severity ranking  
290 chart.-

291 (2) The offense severity ranking chart has 10 offense  
292 levels, ranked from least severe, which are level 1 offenses, to  
293 most severe, which are level 10 offenses, and each felony  
294 offense is assigned to a level according to the severity of the  
295 offense. For purposes of determining which felony offenses are  
296 specifically listed in the offense severity ranking chart and  
297 which severity level has been assigned to each of these  
298 offenses, the numerical statutory references in the left column  
299 of the chart and the felony degree designations in the middle  
300 column of the chart are controlling; the language in the right



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301 column of the chart is provided solely for descriptive purposes.  
302 Reclassification of the degree of the felony through the  
303 application of s. 775.0845, s. 775.0861, s. 775.0862, s.  
304 775.087, s. 775.0875, s. 794.023, or any other law that provides  
305 an enhanced penalty for a felony offense, to any offense listed  
306 in the offense severity ranking chart in this section shall not  
307 cause the offense to become unlisted and is not subject to the  
308 provisions of s. 921.0023.

309 Section 6. For the purpose of incorporating the amendment  
310 made by this act to section 775.087, Florida Statutes, in a  
311 reference thereto, paragraph (b) of subsection (1) of section  
312 921.0024, Florida Statutes, is reenacted to read:

313 921.0024 Criminal Punishment Code; worksheet computations;  
314 scoresheets.—

315 (1)

316 (b) WORKSHEET KEY:

317

318 Legal status points are assessed when any form of legal status  
319 existed at the time the offender committed an offense before the  
320 court for sentencing. Four (4) sentence points are assessed for  
321 an offender's legal status.

322

323 Community sanction violation points are assessed when a  
324 community sanction violation is before the court for sentencing.  
325 Six (6) sentence points are assessed for each community sanction  
326 violation and each successive community sanction violation,  
327 unless any of the following apply:

328 1. If the community sanction violation includes a new  
329 felony conviction before the sentencing court, twelve (12)



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330 community sanction violation points are assessed for the  
331 violation, and for each successive community sanction violation  
332 involving a new felony conviction.

333 2. If the community sanction violation is committed by a  
334 violent felony offender of special concern as defined in s.  
335 948.06:

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

339 I. The violation does not include a new felony conviction;  
340 and

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

344 b. Twenty-four (24) community sanction violation points are  
345 assessed for the violation and for each successive violation of  
346 felony probation or community control where the violation  
347 includes a new felony conviction.

348  
349 Multiple counts of community sanction violations before the  
350 sentencing court shall not be a basis for multiplying the  
351 assessment of community sanction violation points.

352  
353 Prior serious felony points: If the offender has a primary  
354 offense or any additional offense ranked in level 8, level 9, or  
355 level 10, and one or more prior serious felonies, a single  
356 assessment of thirty (30) points shall be added. For purposes of  
357 this section, a prior serious felony is an offense in the  
358 offender's prior record that is ranked in level 8, level 9, or



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359 level 10 under s. 921.0022 or s. 921.0023 and for which the  
360 offender is serving a sentence of confinement, supervision, or  
361 other sanction or for which the offender's date of release from  
362 confinement, supervision, or other sanction, whichever is later,  
363 is within 3 years before the date the primary offense or any  
364 additional offense was committed.

365

366 Prior capital felony points: If the offender has one or more  
367 prior capital felonies in the offender's criminal record, points  
368 shall be added to the subtotal sentence points of the offender  
369 equal to twice the number of points the offender receives for  
370 the primary offense and any additional offense. A prior capital  
371 felony in the offender's criminal record is a previous capital  
372 felony offense for which the offender has entered a plea of nolo  
373 contendere or guilty or has been found guilty; or a felony in  
374 another jurisdiction which is a capital felony in that  
375 jurisdiction, or would be a capital felony if the offense were  
376 committed in this state.

377

378 Possession of a firearm, semiautomatic firearm, or machine gun:  
379 If the offender is convicted of committing or attempting to  
380 commit any felony other than those enumerated in s. 775.087(2)  
381 while having in his or her possession: a firearm as defined in  
382 s. 790.001(6), an additional eighteen (18) sentence points are  
383 assessed; or if the offender is convicted of committing or  
384 attempting to commit any felony other than those enumerated in  
385 s. 775.087(3) while having in his or her possession a  
386 semiautomatic firearm as defined in s. 775.087(3) or a machine  
387 gun as defined in s. 790.001(9), an additional twenty-five (25)



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388 sentence points are assessed.

389

390 Sentencing multipliers:

391

392 Drug trafficking: If the primary offense is drug trafficking  
393 under s. 893.135, the subtotal sentence points are multiplied,  
394 at the discretion of the court, for a level 7 or level 8  
395 offense, by 1.5. The state attorney may move the sentencing  
396 court to reduce or suspend the sentence of a person convicted of  
397 a level 7 or level 8 offense, if the offender provides  
398 substantial assistance as described in s. 893.135(4).

399

400 Law enforcement protection: If the primary offense is a  
401 violation of the Law Enforcement Protection Act under s.  
402 775.0823(2), (3), or (4), the subtotal sentence points are  
403 multiplied by 2.5. If the primary offense is a violation of s.  
404 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
405 are multiplied by 2.0. If the primary offense is a violation of  
406 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
407 Protection Act under s. 775.0823(10) or (11), the subtotal  
408 sentence points are multiplied by 1.5.

409

410 Grand theft of a motor vehicle: If the primary offense is grand  
411 theft of the third degree involving a motor vehicle and in the  
412 offender's prior record, there are three or more grand thefts of  
413 the third degree involving a motor vehicle, the subtotal  
414 sentence points are multiplied by 1.5.

415

416 Offense related to a criminal gang: If the offender is convicted



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417 of the primary offense and committed that offense for the  
418 purpose of benefiting, promoting, or furthering the interests of  
419 a criminal gang as defined in s. 874.03, the subtotal sentence  
420 points are multiplied by 1.5. If applying the multiplier results  
421 in the lowest permissible sentence exceeding the statutory  
422 maximum sentence for the primary offense under chapter 775, the  
423 court may not apply the multiplier and must sentence the  
424 defendant to the statutory maximum sentence.

425

426 Domestic violence in the presence of a child: If the offender is  
427 convicted of the primary offense and the primary offense is a  
428 crime of domestic violence, as defined in s. 741.28, which was  
429 committed in the presence of a child under 16 years of age who  
430 is a family or household member as defined in s. 741.28(3) with  
431 the victim or perpetrator, the subtotal sentence points are  
432 multiplied by 1.5.

433

434 Adult-on-minor sex offense: If the offender was 18 years of age  
435 or older and the victim was younger than 18 years of age at the  
436 time the offender committed the primary offense, and if the  
437 primary offense was an offense committed on or after October 1,  
438 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
439 violation involved a victim who was a minor and, in the course  
440 of committing that violation, the defendant committed a sexual  
441 battery under chapter 794 or a lewd act under s. 800.04 or s.  
442 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
443 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
444 800.04; or s. 847.0135(5), the subtotal sentence points are  
445 multiplied by 2.0. If applying the multiplier results in the



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446 lowest permissible sentence exceeding the statutory maximum  
447 sentence for the primary offense under chapter 775, the court  
448 may not apply the multiplier and must sentence the defendant to  
449 the statutory maximum sentence.

450 Section 7. For the purpose of incorporating the amendment  
451 made by this act to section 775.087, Florida Statutes, in a  
452 reference thereto, paragraph (b) of subsection (3) of section  
453 947.146, Florida Statutes, is reenacted to read:

454 947.146 Control Release Authority.—

455 (3) Within 120 days prior to the date the state  
456 correctional system is projected pursuant to s. 216.136 to  
457 exceed 99 percent of total capacity, the authority shall  
458 determine eligibility for and establish a control release date  
459 for an appropriate number of parole ineligible inmates committed  
460 to the department and incarcerated within the state who have  
461 been determined by the authority to be eligible for  
462 discretionary early release pursuant to this section. In  
463 establishing control release dates, it is the intent of the  
464 Legislature that the authority prioritize consideration of  
465 eligible inmates closest to their tentative release date. The  
466 authority shall rely upon commitment data on the offender  
467 information system maintained by the department to initially  
468 identify inmates who are to be reviewed for control release  
469 consideration. The authority may use a method of objective risk  
470 assessment in determining if an eligible inmate should be  
471 released. Such assessment shall be a part of the department's  
472 management information system. However, the authority shall have  
473 sole responsibility for determining control release eligibility,  
474 establishing a control release date, and effectuating the



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475 release of a sufficient number of inmates to maintain the inmate  
476 population between 99 percent and 100 percent of total capacity.  
477 Inmates who are ineligible for control release are inmates who  
478 are parole eligible or inmates who:

479 (b) Are serving the mandatory minimum portion of a sentence  
480 enhanced under s. 775.087(2) or (3), or s. 784.07(3);

481  
482 In making control release eligibility determinations under this  
483 subsection, the authority may rely on any document leading to or  
484 generated during the course of the criminal proceedings,  
485 including, but not limited to, any presentence or postsentence  
486 investigation or any information contained in arrest reports  
487 relating to circumstances of the offense.

488  
489 ===== T I T L E A M E N D M E N T =====

490 And the title is amended as follows:

491 Delete lines 4 - 8

492 and insert:

493 deleting aggravated assault from the list of  
494 convictions which carry a minimum term of imprisonment  
495 if during the commission of the offense the convicted  
496 person possessed a firearm or destructive device;  
497 deleting aggravated assault from a list of exceptions  
498 of convictions which carry a minimum term of  
499 imprisonment if during the commission of the offense  
500 the convicted person possessed a firearm or  
501 destructive device; deleting aggravated assault from  
502 the list of convictions which carry a minimum term of  
503 imprisonment if during the commission of the offense



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504 the convicted person possessed a semiautomatic firearm  
505 and its high-capacity detachable box magazine or a  
506 machine gun; extending an exception to certain  
507 mandatory minimum sentences required for aggravated  
508 assault convictions if the court makes written  
509 findings that a use or threatened use of force was  
510 justifiable pursuant to specified provisions; revising  
511 required written findings; conforming cross-  
512 references; amending s. 985.557, F.S.; conforming a  
513 cross-reference; reenacting ss. 27.366, 921.0022(2),  
514 921.0024(1)(b), and 947.146(3)(b), F.S., relating to  
515 legislative intent and policy in cases meeting the  
516 criteria of s. 775.087(2) and (3), F.S., the Criminal  
517 Punishment Code, the Criminal Punishment Code  
518 worksheet, and the Control Release Authority,  
519 respectively, to incorporate the amendment made to s.  
520 775.087, F.S., in references thereto; providing an  
521 effective