



223716

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
10/05/2015	.	
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	.	
	.	

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

1 **Senate Substitute for Amendment (812936) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Subsections (2), (3), and (6) of section
7 775.087, Florida Statutes, are amended to read:

8 775.087 Possession or use of weapon; aggravated battery;
9 felony reclassification; minimum sentence.—

10 (2)(a)1. Any person who is convicted of a felony or an



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



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40 893.135(1); or
41 ~~q.~~ Possession of a firearm by a felon
42
43 and during the commission of the offense, such person actually
44 possessed a "firearm" or "destructive device" as those terms are
45 defined in s. 790.001, shall be sentenced to a minimum term of
46 imprisonment of 10 years, except that a person who is convicted
47 for ~~aggravated assault~~, possession of a firearm by a felon, or
48 burglary of a conveyance shall be sentenced to a minimum term of
49 imprisonment of 3 years if such person possessed a "firearm" or
50 "destructive device" during the commission of the offense.
51 However, if an offender who is convicted of the offense of
52 possession of a firearm by a felon has a previous conviction of
53 committing or attempting to commit a felony listed in s.
54 775.084(1)(b)1. and actually possessed a firearm or destructive
55 device during the commission of the prior felony, the offender
56 shall be sentenced to a minimum term of imprisonment of 10
57 years.
58 2. Any person who is convicted of a felony or an attempt to
59 commit a felony listed in sub-subparagraphs ~~(a)1.a.-p.~~ ~~(a)1.a.-~~
60 ~~q.~~, regardless of whether the use of a weapon is an element of
61 the felony, and during the course of the commission of the
62 felony such person discharged a "firearm" or "destructive
63 device" as defined in s. 790.001 shall be sentenced to a minimum
64 term of imprisonment of 20 years.
65 3. Any person who is convicted of a felony or an attempt to
66 commit a felony listed in sub-subparagraphs ~~(a)1.a.-p.~~ ~~(a)1.a.-~~
67 ~~q.~~, regardless of whether the use of a weapon is an element of
68 the felony, and during the course of the commission of the



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

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

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

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



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98 the court must include the mandatory minimum term of
99 imprisonment as required in this section.

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

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

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



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127 ~~m.#.~~ Unlawful throwing, placing, or discharging of a
128 destructive device or bomb;
129 ~~n.#.~~ Carjacking;
130 ~~o.#.~~ Home-invasion robbery;
131 ~~p.#.~~ Aggravated stalking; or
132 ~~q.#.~~ Trafficking in cannabis, trafficking in cocaine,
133 capital importation of cocaine, trafficking in illegal drugs,
134 capital importation of illegal drugs, trafficking in
135 phencyclidine, capital importation of phencyclidine, trafficking
136 in methaqualone, capital importation of methaqualone,
137 trafficking in amphetamine, capital importation of amphetamine,
138 trafficking in flunitrazepam, trafficking in gamma-
139 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
140 trafficking in Phenethylamines, or other violation of s.
141 893.135(1);

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

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

154 3. Any person who is convicted of a felony or an attempt to
155 commit a felony listed in subparagraph (a)1., regardless of



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

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

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

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



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185 to this section are less than the sentences that could be
186 imposed as authorized by s. 775.082, s. 775.084, or the Criminal
187 Punishment Code under chapter 921, then the sentence imposed by
188 the court must include the mandatory minimum term of
189 imprisonment as required in this section.

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

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

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

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

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

213 ~~(a) The defendant had a good faith belief that the~~



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214 ~~aggravated assault was justifiable pursuant to chapter 776.~~

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

217 ~~(c) The defendant does not pose a threat to public safety.~~

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

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

222 985.557 Direct filing of an information; discretionary and
223 mandatory criteria.—

224 (2) MANDATORY DIRECT FILE.—

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

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

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

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

238 2. Upon transfer, any child who is:

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



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243 program, shall be subject to sentencing under s. 775.087(2)(a),
244 notwithstanding s. 985.565.

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

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

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

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

262 Section 3. For the purpose of incorporating the amendment
263 made by this act to section 775.087, Florida Statutes, in a
264 reference thereto, section 27.366, Florida Statutes, is
265 reenacted to read:

266 27.366 Legislative intent and policy in cases meeting
267 criteria of s. 775.087(2) and (3).—It is the intent of the
268 Legislature that convicted criminal offenders who meet the
269 criteria in s. 775.087(2) and (3) be sentenced to the minimum
270 mandatory prison terms provided therein. It is the intent of the
271 Legislature to establish zero tolerance of criminals who use,



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

284 Section 4. For the purpose of incorporating the amendment
285 made by this act to section 775.087, Florida Statutes, in a
286 reference thereto, subsection (2) of section 921.0022, Florida
287 Statutes, is reenacted to read:

288 921.0022 Criminal Punishment Code; offense severity ranking
289 chart.—

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



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

308 Section 5. For the purpose of incorporating the amendment
309 made by this act to section 775.087, Florida Statutes, in a
310 reference thereto, paragraph (b) of subsection (1) of section
311 921.0024, Florida Statutes, is reenacted to read:

312 921.0024 Criminal Punishment Code; worksheet computations;
313 scoresheets.—

314 (1)

315 (b) WORKSHEET KEY:

316

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

321

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

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



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330 violation, and for each successive community sanction violation
331 involving a new felony conviction.

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

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

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

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

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

347
348 Multiple counts of community sanction violations before the
349 sentencing court shall not be a basis for multiplying the
350 assessment of community sanction violation points.

351
352 Prior serious felony points: If the offender has a primary
353 offense or any additional offense ranked in level 8, level 9, or
354 level 10, and one or more prior serious felonies, a single
355 assessment of thirty (30) points shall be added. For purposes of
356 this section, a prior serious felony is an offense in the
357 offender's prior record that is ranked in level 8, level 9, or
358 level 10 under s. 921.0022 or s. 921.0023 and for which the



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

364

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

376

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



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Sentencing multipliers:

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

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

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

Offense related to a criminal gang: If the offender is convicted of the primary offense and committed that offense for the



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

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

432

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



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

449 Section 6. For the purpose of incorporating the amendment
450 made by this act to section 775.087, Florida Statutes, in a
451 reference thereto, paragraph (b) of subsection (3) of section
452 947.146, Florida Statutes, is reenacted to read:

453 947.146 Control Release Authority.—

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



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475 population between 99 percent and 100 percent of total capacity.
476 Inmates who are ineligible for control release are inmates who
477 are parole eligible or inmates who:

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

480

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

487 Section 7. This act shall take effect July 1, 2016.

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 everything before the enacting clause
492 and insert:

493

A bill to be entitled

494

An act relating to the mandatory minimum sentences;

495

amending s. 775.087, F.S.; deleting aggravated assault

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from the list of convictions which carry a minimum

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term of imprisonment if during the commission of the

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offense the convicted person possessed a firearm or

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destructive device; deleting aggravated assault from a

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list of convictions which carry a minimum term of

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imprisonment if during the commission of the offense

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the convicted person possessed a firearm or

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destructive device; deleting aggravated assault from



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504 the list of convictions which carry a minimum term of
505 imprisonment if during the commission of the offense
506 the convicted person possessed a semiautomatic firearm
507 and its high-capacity detachable box magazine or a
508 machine gun; deleting a provision prohibiting a court
509 from imposing the mandatory minimum sentence for a
510 conviction for aggravated assault if the court makes
511 specified 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 date.