

By the Committee on Appropriations; and Senators Brandes and Bracy

576-03580-18

2018694c1

1 A bill to be entitled
2 An act relating to mandatory sentences; amending s.
3 893.135, F.S.; authorizing a court to impose a
4 sentence other than a mandatory minimum term of
5 imprisonment and mandatory fine for a person convicted
6 of trafficking if the court makes certain findings on
7 the record; providing an effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Present subsections (6) and (7) of section
12 893.135, Florida Statutes, are redesignated as subsections (7)
13 and (8), respectively, and a new subsection (6) is added to that
14 section, to read:

15 893.135 Trafficking; mandatory sentences; suspension or
16 reduction of sentences; conspiracy to engage in trafficking.—

17 (6) Notwithstanding any provision of this section, a court
18 may impose a sentence for a violation of this section other than
19 the mandatory minimum term of imprisonment and mandatory fine if
20 the court finds on the record that all of the following
21 circumstances exist:

22 (a) The person did not engage in a continuing criminal
23 enterprise as defined in s. 893.20(1).

24 (b) The person did not use or threaten violence or use a
25 weapon during the commission of the crime.

26 (c) The person did not cause a death or serious bodily
27 injury.

28 Section 2. This act shall take effect July 1, 2018.