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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 75 - 138

and insert:

review of his or her sentence under s. 921.1402 or s. 921.1403, respectively, may be resentenced and released from imprisonment if a court deems the resentencing appropriate in accordance with the review requirements under such sections.

Section 3. Paragraph (a) of subsection (2) of section 921.1402, Florida Statutes, is amended, and subsection (4) of



556568

11 that section is reenacted, to read:

12 921.1402 Review of sentences for persons convicted of
13 specified offenses committed while under the age of 18 years.—

14 (2) (a) A juvenile offender sentenced under s.
15 775.082(1) (b)1. is entitled to a review of his or her sentence
16 after 25 years. However, a juvenile offender is not entitled to
17 review if he or she has previously been convicted of committing
18 ~~one of the following offenses~~, or of conspiracy to commit ~~one of~~
19 ~~the following offenses~~, murder if the murder offense for which
20 the person was previously convicted was part of a separate
21 criminal transaction or episode than the murder ~~that~~ which
22 resulted in the sentence under s. 775.082(1) (b)1.÷

- 23 ~~1. Murder;~~
24 ~~2. Manslaughter;~~
25 ~~3. Sexual battery;~~
26 ~~4. Armed burglary;~~
27 ~~5. Armed robbery;~~
28 ~~6. Armed carjacking;~~
29 ~~7. Home invasion robbery;~~
30 ~~8. Human trafficking for commercial sexual activity with a~~
31 ~~child under 18 years of age;~~
32 ~~9. False imprisonment under s. 787.02(3) (a); or~~
33 ~~10. Kidnapping.~~

34 (4) A juvenile offender seeking sentence review pursuant to
35 subsection (2) must submit an application to the court of
36 original jurisdiction requesting that a sentence review hearing
37 be held. The juvenile offender must submit a new application to
38 the court of original jurisdiction to request subsequent
39 sentence review hearings pursuant to paragraph (2) (d). The



556568

40 sentencing court shall retain original jurisdiction for the
41 duration of the sentence for this purpose.

42 Section 4. Section 921.14021, Florida Statutes, is created
43 to read:

44 921.14021 Retroactive application relating to s. 921.1402;
45 legislative intent; review of sentence.-

46 (1) It is the intent of the Legislature to retroactively
47 apply the amendments made to s. 921.1402 which are effective on
48 July 1, 2020, only as provided in this section, to juvenile
49 offenders convicted of a capital offense and sentenced under s.
50 775.082(1)(b)1. who have been ineligible for sentence review
51 hearings because of a previous conviction of an offense
52 enumerated in s. 921.1402(2)(a) thereby providing such juvenile
53 offenders with an opportunity for consideration by a court and
54 an opportunity for release if deemed appropriate under law.

55 (2) A juvenile offender, as defined in s. 921.1402, who was
56 convicted for a capital offense and sentenced under s.
57 775.082(1)(b)1., and who was ineligible for a sentence review
58 hearing pursuant to s. 921.1402(2)(a)2.-10. as it existed before
59 July 1, 2020, is entitled to a review of his or her sentence
60 after 25 years or, if on July 1, 2020, 25 years have already
61 passed since the sentencing, immediately.

62 Section 5. Section 921.1403, Florida Statutes, is created
63 to read:

64 921.1403 Review of sentences for persons convicted of
65 specified offenses committed while under 25 years of age.-

66 (1) As used in this section, the term "young adult
67 offender" means a person who committed an offense before he or
68 she reached 25 years of age and for which he or she is sentenced



556568

69 to a term of years in the custody of the Department of
70 Corrections, regardless of the date of sentencing.

71 (2) A young adult offender is not entitled to a sentence
72 review under this section if he or she has previously been
73 convicted of committing, or of conspiring to commit, murder if
74 the murder offense for which the person was previously convicted
75 was part of a separate criminal transaction or episode than that
76 which resulted in the sentence under s. 775.082(3)(a)1., 2., 3.,
77 4., or 6., or (b)1.

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

79 And the title is amended as follows:

80 Delete lines 10 - 17

81 and insert:

82 921.14021, F.S.; providing legislative intent;
83 providing for retroactive application of a specified
84 provision relating to review of sentence for juvenile
85 offenders convicted of murder; providing for immediate
86 review of certain sentences; creating s. 921.1403,
87 F.S.; defining the term "young adult offender";
88 precluding eligibility for a sentence review for young
89 adult offenders who previously committed, or conspired
90 to commit, murder