



386322

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/13/2024	.	
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The Appropriations Committee on Criminal and Civil Justice
(Rouson) recommended the following:

Senate Amendment (with title amendment)

Between lines 169 and 170

insert:

Section 4. Section 775.093, Florida Statutes, is created to
read:

775.093 Retroactive application of specified changes in
criminal offenses; legislative intent; resentencing procedures.-

(1) (a) It is the intent of the Legislature to retroactively
apply chapter 2019-167, Laws of Florida, only as provided in



386322

11 this subsection, to persons who committed a third or subsequent
12 violation of driving while their driver license or driving
13 privilege had been canceled, suspended, or revoked before
14 October 1, 2019, the effective date of the changes to s. 322.34
15 in chapter 2019-167, Laws of Florida, which amended s. 322.34(2)
16 to modify the punishment for persons who commit certain third or
17 subsequent violations of driving while their driver license or
18 driving privilege had been canceled, suspended, or revoked.

19 (b) A person who committed a violation of s. 322.34(2)
20 before October 1, 2019 when chapter 2019-167, Laws of Florida
21 amended 322.34:

22 1. Who was sentenced before July 1, 2024, must be
23 resentenced in accordance with subsection (2). The new sentence
24 must be as provided in s. 322.34(2).

25 2. Who was not sentenced before July 1, 2024, must be
26 sentenced in accordance with s. 322.34(2).

27 (2) Resentencing under this section must occur in the
28 following manner:

29 (a) The Department of Corrections shall notify a person
30 described in this section of his or her eligibility to request a
31 sentence review hearing.

32 (b) A person seeking sentence review under this section may
33 submit an application to the court of original jurisdiction
34 requesting that a sentence review hearing be held. The
35 sentencing court retains original jurisdiction for the duration
36 of the sentence for this purpose.

37 (c) A person eligible for a sentence review hearing under
38 this section is entitled to be represented by counsel, and the
39 court must appoint a public defender to represent the person if



386322

40 he or she cannot afford an attorney.

41 (d) Upon receiving an application from an eligible person,
42 the court of original sentencing jurisdiction shall hold a
43 sentence review hearing. If the court determines at the sentence
44 review hearing that the eligible person meets the criteria in
45 this section for resentencing, the court must resentence the
46 person as provided in this section; however, the new sentence
47 may not exceed the person's original sentence with credit for
48 time served. If the court determines that such person does not
49 meet the criteria for resentencing under this section, the court
50 must provide written reasons why the person does not meet such
51 criteria.

52
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete line 10

56 and insert:

57 cross-references; creating s. 775.093, F.S.; providing
58 legislative intent; providing for the retroactive
59 applicability of s. 322.34, F.S.; requiring certain
60 resentencing or sentencing of persons who committed
61 certain third or subsequent violations relating to
62 driving while their driver license or driving
63 privilege had been canceled, suspended, or revoked;
64 authorizing a person to apply to a specified court for
65 a sentence review hearing; providing that the person
66 is entitled to be represented by counsel; specifying
67 requirements for the court in holding the hearing and
68 resentencing the person; providing an effective date.