

Amendment No. 1s

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Fitzenhagen offered the following:

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 4 **Substitute Amendment for Amendment (323439) by**  
 5 **Representative Combee (with title amendment)**

6 Between lines 50 and 51, insert:

7 Section 2. Subsection (6) is added to section 775.087,  
 8 Florida Statutes, to read:

9 775.087 Possession or use of weapon; aggravated battery;  
 10 felony reclassification; minimum sentence.-

11 (6) Notwithstanding subsections (2) and (3), when  
 12 sentencing a defendant convicted of a violation of s. 784.021,  
 13 the court must sentence the defendant pursuant to s. 775.082, s.  
 14 775.083, or 775.084, if the court makes written findings that:

15 (a) The defendant did not act in furtherance of any other  
 16 forcible felony;

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17 (b) The defendant committed the offense with the intent to  
18 defend themself or others from bodily harm; and

19 (c) A minimum mandatory sentence required under this  
20 section is not necessary to protect the public.  
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27 **T I T L E A M E N D M E N T**

28 Remove line 4 and insert:

29 775.087, F.S.; requiring a judge to deviate from a minimum  
30 mandatory sentence for aggravated assault if the court makes  
31 certain findings; amending s. 776.012, F.S.; applying provisions  
32 relating to the use  
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