



1 A bill to be entitled
2 An act relating to juvenile sentencing; amending s.
3 775.082, F.S.; providing criminal penalties applicable
4 to a juvenile offender for certain serious felonies;
5 requiring a judge to consider specified factors before
6 determining if life imprisonment is an appropriate
7 sentence for a juvenile offender convicted of certain
8 offenses; providing review of sentences for specified
9 juvenile offenders; creating s. 921.140, F.S.;
10 providing sentencing proceedings for determining if
11 life imprisonment is an appropriate sentence for a
12 juvenile offender convicted of certain offenses;
13 providing certain factors a judge shall consider when
14 determining if life imprisonment is appropriate for a
15 juvenile offender; creating s. 921.1401, F.S.;
16 defining the term "juvenile offender"; providing
17 sentence review proceedings to be conducted after a
18 specified period of time by the original sentencing
19 court for juvenile offenders convicted of certain
20 offenses; providing for subsequent reviews; requiring
21 the Department of Corrections to notify a juvenile
22 offender of his or her eligibility to participate in
23 sentence review hearings; entitling a juvenile
24 offender to be represented by counsel; providing
25 factors that must be considered by the court in the



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26 sentence review; requiring the court to modify a
27 juvenile offender's sentence if certain factors are
28 found; requiring the court to impose a term of
29 probation for any sentence modified; requiring the
30 court to make written findings if the court declines
31 to modify a juvenile offender's sentence; amending ss.
32 316.3026, 373.430, 403.161, and 648.571, F.S.;
33 conforming cross-references; providing an effective
34 date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Subsections (1) and (3) of section 775.082,
39 Florida Statutes, are amended to read:

40 775.082 Penalties; applicability of sentencing structures;
41 mandatory minimum sentences for certain reoffenders previously
42 released from prison.-

43 (1)(a) Except as provided in paragraph (b), a person who
44 has been convicted of a capital felony shall be punished by
45 death if the proceeding held to determine sentence according to
46 the procedure set forth in s. 921.141 results in findings by the
47 court that such person shall be punished by death, otherwise
48 such person shall be punished by life imprisonment and shall be
49 ineligible for parole.

50 (b)1. A person who actually killed, intended to kill, or



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51 attempted to kill the victim and who is convicted under s.
52 782.04 of a capital felony or an offense that was reclassified
53 as a capital felony, which was committed before the person
54 attained 18 years of age, shall be punished by a term of
55 imprisonment for life if, after a sentencing hearing conducted
56 by the court in accordance with s. 921.140, the court finds that
57 life imprisonment is an appropriate sentence. If the court finds
58 that life imprisonment is not an appropriate sentence, such
59 person shall be punished by a term of imprisonment of at least
60 40 years. A person sentenced pursuant to this subparagraph is
61 entitled to a review of his or her sentence in accordance with
62 s. 921.1401(2)(a).

63 2. A person who did not actually kill, intend to kill, or
64 attempt to kill the victim and who is convicted under s. 782.04
65 of a capital felony or an offense that was reclassified as a
66 capital felony, which was committed before the person attained
67 18 years of age, may be punished by a term of imprisonment for
68 life or by a term of years equal to life if, after a sentencing
69 hearing conducted by the court in accordance with s. 921.140,
70 the court finds that life imprisonment is an appropriate
71 sentence. A person who is sentenced to a term of imprisonment of
72 15 years or more is entitled to a review of his or her sentence
73 in accordance with s. 921.1401(2)(c).

74 3. The court shall make a written finding as to whether a
75 person is eligible for a sentence review hearing under s.



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76 | 921.1401(2) (a) or s. 921.1401(2) (c). Such a finding shall be
77 | based upon whether the person actually killed, intended to kill,
78 | or attempted to kill the victim. The court may find that
79 | multiple defendants killed, intended to kill, or attempted to
80 | kill the victim.

81 | (3) A person who has been convicted of any other
82 | designated felony may be punished as follows:

83 | (a)1. For a life felony committed before ~~prior to~~ October
84 | 1, 1983, by a term of imprisonment for life or for a term of at
85 | least ~~years not less than~~ 30 years.

86 | 2. For a life felony committed on or after October 1,
87 | 1983, by a term of imprisonment for life or by a term of
88 | imprisonment not exceeding 40 years.

89 | 3. Except as provided in subparagraph 4., for a life
90 | felony committed on or after July 1, 1995, by a term of
91 | imprisonment for life or by imprisonment for a term of years not
92 | exceeding life imprisonment.

93 | 4.a. Except as provided in sub-subparagraph b., for a life
94 | felony committed on or after September 1, 2005, which is a
95 | violation of s. 800.04(5) (b), by:

96 | (I) A term of imprisonment for life; or

97 | (II) A split sentence that is a term of at least ~~not less~~
98 | ~~than~~ 25 years' imprisonment and not exceeding life imprisonment,
99 | followed by probation or community control for the remainder of
100 | the person's natural life, as provided in s. 948.012(4).



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101 b. For a life felony committed on or after July 1, 2008,
102 which is a person's second or subsequent violation of s.
103 800.04(5)(b), by a term of imprisonment for life.

104 5. Notwithstanding subparagraphs 1.-4., a person who is
105 convicted under s. 782.04 of an offense that was reclassified as
106 a life felony, which was committed before the person attained 18
107 years of age, may be punished by a term of imprisonment for life
108 or by a term of years equal to life imprisonment if the judge
109 conducts a sentencing hearing in accordance with s. 921.140 and
110 finds that life imprisonment or a term of years equal to life
111 imprisonment is an appropriate sentence.

112 a. A person who actually killed, intended to kill, or
113 attempted to kill the victim and is sentenced to a term of
114 imprisonment of 20 years or more is entitled to a review of his
115 or her sentence in accordance with s. 921.1401(2)(b).

116 b. A person who did not actually kill, intend to kill, or
117 attempt to kill the victim and is sentenced to a term of
118 imprisonment of 15 years or more is entitled to a review of his
119 or her sentence in accordance with s. 921.1401(2)(c).

120 c. The court shall make a written finding as to whether a
121 person is eligible for a sentence review hearing under s.
122 921.1401(2)(b) or s. 921.1401(2)(c). Such a finding shall be
123 based upon whether the person actually killed, intended to kill,
124 or attempted to kill the victim. The court may find that
125 multiple defendants killed, intended to kill, or attempted to



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126 kill the victim.

127 (b)1. For a felony of the first degree, by a term of
128 imprisonment not exceeding 30 years or, when specifically
129 provided by statute, by imprisonment for a term of years not
130 exceeding life imprisonment.

131 2. Notwithstanding subparagraph 1., a person convicted
132 under s. 782.04 of a first degree felony punishable by a term of
133 years not exceeding life imprisonment or an offense that was
134 reclassified as a first degree felony punishable by a term of
135 years not exceeding life, which was committed before the person
136 attained 18 years of age, may be punished by a term of years
137 equal to life imprisonment if the judge conducts a sentencing
138 hearing in accordance with s. 921.140 and finds that a term of
139 years equal to life imprisonment is an appropriate sentence.

140 a. A person who actually killed, intended to kill, or
141 attempted to kill the victim and is sentenced to a term of
142 imprisonment of 20 years or more is entitled to a review of his
143 or her sentence in accordance with s. 921.1401(2)(b).

144 b. A person who did not actually kill, intend to kill, or
145 attempt to kill the victim and is sentenced to a term of
146 imprisonment of 15 years or more is entitled to a review of his
147 or her sentence in accordance with s. 921.1401(2)(c).

148 c. The court shall make a written finding as to whether a
149 person is eligible for a sentence review hearing under s.
150 921.1401(2)(b) or s. 921.1401(2)(c). Such a finding shall be



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151 based upon whether the person actually killed, intended to kill,
152 or attempted to kill the victim. The court may find that
153 multiple defendants killed, intended to kill, or attempted to
154 kill the victim.

155 (c) Notwithstanding paragraphs (a) and (b), a person
156 convicted of an offense that is not included in s. 782.04, but
157 which is an offense that is a life felony or is punishable by a
158 term of imprisonment for life or by a term of years not
159 exceeding life imprisonment, or an offense that was reclassified
160 as a life felony or an offense punishable by a term of
161 imprisonment for life or by a term of years not exceeding life
162 imprisonment, which was committed before the person attained 18
163 years of age, may be punished by a term of imprisonment for life
164 or a term of years equal to life imprisonment if the judge
165 conducts a sentencing hearing in accordance with s. 921.140 and
166 finds that life imprisonment or a term of years equal to life
167 imprisonment is an appropriate sentence. A person who is
168 sentenced to a term of imprisonment of 20 years or more is
169 entitled to a review of his or her sentence in accordance with
170 s. 921.1401(2) (b).

171 (d)-(e) For a felony of the second degree, by a term of
172 imprisonment not exceeding 15 years.

173 (e)-(d) For a felony of the third degree, by a term of
174 imprisonment not exceeding 5 years.

175 Section 2. Section 921.140, Florida Statutes, is created



176 to read:

177 921.140 Sentence of life imprisonment for persons who are
178 under the age of 18 years at the time of the offense; sentencing
179 proceedings.-

180 (1) Upon conviction or adjudication of guilt of an offense
181 described in s. 775.082(1)(b), s. 775.082(3)(a)5., s.
182 775.082(3)(b)2., or s. 775.082(3)(c) which was committed on or
183 after July 1, 2014, the court may conduct a separate sentencing
184 hearing to determine if a term of imprisonment for life or a
185 term of years equal to life imprisonment is an appropriate
186 sentence.

187 (2) In determining whether life imprisonment or a term of
188 years equal to life imprisonment is an appropriate sentence, the
189 court shall consider factors relevant to the offense and the
190 defendant's youth and attendant circumstances, including, but
191 not limited to:

192 (a) The nature and circumstances of the offense committed
193 by the defendant.

194 (b) The effect of the crime on the victim's family and on
195 the community.

196 (c) The defendant's age, maturity, intellectual capacity,
197 and mental and emotional health at the time of the offense.

198 (d) The defendant's background, including his or her
199 family, home, and community environment.

200 (e) The effect, if any, of immaturity, impetuosity, or



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201 failure to appreciate risks and consequences on the defendant's
202 participation in the offense.

203 (f) The extent of the defendant's participation in the
204 offense.

205 (g) The effect, if any, of familial pressure or peer
206 pressure on the defendant's actions.

207 (h) The nature and extent of the defendant's prior
208 criminal history.

209 (i) The effect, if any, of characteristics attributable to
210 the defendant's youth on the defendant's judgment.

211 (j) The possibility of rehabilitating the defendant.

212 Section 3. Section 921.1401, Florida Statutes, is created
213 to read:

214 921.1401 Review of sentences for persons convicted of
215 specified offenses committed while under the age of 18 years.-

216 (1) For purposes of this section, the term "juvenile
217 offender" means a person sentenced to imprisonment in the
218 custody of the Department of Corrections for an offense
219 committed on or after July 1, 2014, and committed before he or
220 she attained 18 years of age.

221 (2) (a) A juvenile offender sentenced under s.
222 775.082(1)(b)1. is entitled to a review of his or her sentence
223 after 25 years, unless, before the sentence review hearing, such
224 offender has been adjudicated delinquent or convicted of one the
225 following offenses, or conspiracy to commit one of the following



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226 offenses:

227 1. Murder;

228 2. Manslaughter;

229 3. Sexual battery;

230 4. Armed burglary;

231 5. Armed robbery;

232 6. Armed carjacking;

233 7. Home-invasion robbery;

234 8. Human trafficking for commercial sexual activity with a
235 child under 18 years of age;

236 9. False imprisonment under s. 787.02(3)(a); or

237 10. Kidnapping.

238 (b) A juvenile offender sentenced to a term of 20 years or
239 more under s. 775.082(3)(a)5.a., s. 775.082(3)(b)2.a., or s.
240 775.082(3)(c) is entitled to a review of his or her sentence
241 after 20 years.

242 (c) A juvenile offender sentenced to a term of 15 years or
243 more under s. 775.082(1)(b)2., s. 775.082(3)(a)5.b., or s.
244 775.082(3)(b)2.b. is entitled to a review of his or her sentence
245 after 15 years.

246 (3)(a) A juvenile offender who is not resentenced at the
247 initial sentence review hearing under paragraph (2)(a) is
248 eligible for one subsequent sentence review hearing 10 years
249 after the court's initial review.

250 (b) A juvenile offender who is not resentenced at the



251 initial sentence review hearing under paragraph (2)(b) is
252 eligible for two subsequent sentence review hearings to occur 10
253 years and 15 years after the court's initial review.

254 (c) A juvenile offender who is not resentenced at the
255 initial sentence review hearing under paragraph (2)(c) is
256 eligible for two subsequent sentence review hearings to occur at
257 5 years and 10 years after the court's initial review.

258 (4) The Department of Corrections shall notify a juvenile
259 offender of his or her eligibility to request a sentence review
260 hearing 18 months before the juvenile offender is entitled to a
261 sentence review hearing under this section.

262 (5) A juvenile offender seeking sentence review pursuant
263 to subsection (2) must submit an application to the court of
264 original jurisdiction requesting that a sentence review hearing
265 be held. The juvenile offender must submit a new application to
266 the court of original jurisdiction to request subsequent
267 sentence review hearings pursuant to subsection (3). The
268 sentencing court shall retain original jurisdiction for the
269 duration of the sentence for this purpose.

270 (6) A juvenile offender who is eligible for a sentence
271 review hearing under this section is entitled to be represented
272 by counsel and the court shall appoint a public defender to
273 represent the juvenile offender if the juvenile offender cannot
274 afford an attorney.

275 (7) Upon receiving an application from an eligible



276 juvenile offender, the court of original sentencing jurisdiction
277 shall hold a sentence review hearing to determine whether the
278 juvenile offender's sentence should be modified. When
279 determining if it is appropriate to resentence the juvenile
280 offender, the court shall consider any factor it deems
281 appropriate, including all of the following:

282 (a) Whether the juvenile offender demonstrates maturity
283 and rehabilitation.

284 (b) Whether the juvenile offender remains at the same
285 level of risk to society as he or she did at the time of the
286 initial sentencing.

287 (c) The opinion of the victim or the victim's next of kin.
288 The absence of the victim or the victim's next of kin from the
289 sentence review hearing may not be a factor in the determination
290 of the court under this section. The court shall permit the
291 victim or victim's next of kin to be heard, in person, in
292 writing, or by electronic means. If the victim or the victim's
293 next of kin chooses not to participate in the hearing, the court
294 may consider previous statements made by the victim or the
295 victim's next of kin during the trial, initial sentencing phase,
296 or subsequent sentencing review hearings.

297 (d) Whether the juvenile offender was a relatively minor
298 participant in the criminal offense or acted under extreme
299 duress or the domination of another person.

300 (e) Whether the juvenile offender has shown sincere and



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301 sustained remorse for the criminal offense.

302 (f) Whether the juvenile offender's age, maturity, and
303 psychological development at the time of the offense affected
304 his or her behavior.

305 (g) Whether the juvenile offender has successfully
306 obtained a general educational development certificate or
307 completed another educational, technical, work, vocational, or
308 self-rehabilitation program, if such a program is available.

309 (h) Whether the juvenile offender was a victim of sexual,
310 physical, or emotional abuse before he or she committed the
311 offense.

312 (i) The results of any mental health assessment, risk
313 assessment, or evaluation of the juvenile offender as to
314 rehabilitation.

315 (8) If the court determines at a sentence review hearing
316 that the juvenile offender has been rehabilitated and is
317 reasonably believed to be fit to reenter society, the court
318 shall modify the sentence and impose a term of probation of at
319 least 5 years. If the court determines that the juvenile
320 offender has not demonstrated rehabilitation or is not fit to
321 reenter society, the court shall issue a written order stating
322 the reasons why the sentence is not being modified.

323 Section 4. Subsection (2) of section 316.3026, Florida
324 Statutes, is amended to read:

325 316.3026 Unlawful operation of motor carriers.—



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326 (2) Any motor carrier enjoined or prohibited from
327 operating by an out-of-service order by this state, any other
328 state, or the Federal Motor Carrier Safety Administration may
329 not operate on the roadways of this state until the motor
330 carrier has been authorized to resume operations by the
331 originating enforcement jurisdiction. Commercial motor vehicles
332 owned or operated by any motor carrier prohibited from operation
333 found on the roadways of this state shall be placed out of
334 service by law enforcement officers of the Department of Highway
335 Safety and Motor Vehicles, and the motor carrier assessed a
336 \$10,000 civil penalty pursuant to 49 C.F.R. s. 383.53, in
337 addition to any other penalties imposed on the driver or other
338 responsible person. Any person who knowingly drives, operates,
339 or causes to be operated any commercial motor vehicle in
340 violation of an out-of-service order issued by the department in
341 accordance with this section commits a felony of the third
342 degree, punishable as provided in s. 775.082(3)(e)
343 ~~775.082(3)(d)~~. Any costs associated with the impoundment or
344 storage of such vehicles are the responsibility of the motor
345 carrier. Vehicle out-of-service orders may be rescinded when the
346 department receives proof of authorization for the motor carrier
347 to resume operation.

348 Section 5. Subsection (3) of section 373.430, Florida
349 Statutes, is amended to read:

350 373.430 Prohibitions, violation, penalty, intent.—



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351 (3) Any person who willfully commits a violation specified
352 in paragraph (1)(a) is guilty of a felony of the third degree,
353 punishable as provided in ss. 775.082(3)(e) ~~775.082(3)(d)~~ and
354 775.083(1)(g), by a fine of not more than \$50,000 or by
355 imprisonment for 5 years, or by both, for each offense. Each day
356 during any portion of which such violation occurs constitutes a
357 separate offense.

358 Section 6. Subsection (3) of section 403.161, Florida
359 Statutes, is amended to read:

360 403.161 Prohibitions, violation, penalty, intent.—

361 (3) Any person who willfully commits a violation specified
362 in paragraph (1)(a) is guilty of a felony of the third degree
363 punishable as provided in ss. 775.082(3)(e) ~~775.082(3)(d)~~ and
364 775.083(1)(g) by a fine of not more than \$50,000 or by
365 imprisonment for 5 years, or by both, for each offense. Each day
366 during any portion of which such violation occurs constitutes a
367 separate offense.

368 Section 7. Paragraph (c) of subsection (3) of section
369 648.571, Florida Statutes, is amended to read:

370 648.571 Failure to return collateral; penalty.—

371 (3)

372 (c) Allowable expenses incurred in apprehending a
373 defendant because of a bond forfeiture or judgment under s.
374 903.29 may be deducted if such expenses are accounted for. The
375 failure to return collateral under these terms is punishable as



376 follows:

377 1. If the collateral is of a value less than \$100, as
 378 provided in s. 775.082(4)(a).

379 2. If the collateral is of a value of \$100 or more, as
 380 provided in s. 775.082(3)(e) ~~775.082(3)(d)~~.

381 3. If the collateral is of a value of \$1,500 or more, as
 382 provided in s. 775.082(3)(d) ~~775.082(3)(e)~~.

383 4. If the collateral is of a value of \$10,000 or more, as
 384 provided in s. 775.082(3)(b).

385 Section 8. This act shall take effect July 1, 2014.