

By Senator Brandes

24-00431A-18

2018694__

1 A bill to be entitled
2 An act relating to mandatory sentences; amending s.
3 893.135, F.S.; authorizing a court to issue a sentence
4 shorter than a mandatory minimum term of imprisonment
5 for a person convicted of trafficking if the court
6 makes certain findings on the record; providing an
7 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 mandatory minimum term of
18 imprisonment under this section, the court may sentence a person
19 who has been convicted of an offense under this section to a
20 term of imprisonment less than the mandatory minimum if the
21 court finds on the record that all of the following
22 circumstances exist:

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

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

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

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