

By Senator Bracy

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20191030__

1 A bill to be entitled

2 An act relating to mitigating circumstances in
3 sentencing; amending s. 921.0026, F.S.; revising the
4 mitigating circumstances under which a departure from
5 the lowest permissible sentence is justified, to
6 include when a defendant is amenable to treatment and
7 he or she requires specialized treatment for a certain
8 substance addiction; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Paragraph (d) of subsection (2) of section
13 921.0026, Florida Statutes, is amended to read:

14 921.0026 Mitigating circumstances.—This section applies to
15 any felony offense, except any capital felony, committed on or
16 after October 1, 1998.

17 (2) Mitigating circumstances under which a departure from
18 the lowest permissible sentence is reasonably justified include,
19 but are not limited to:

20 (d) The defendant requires specialized treatment for a
21 mental disorder, a substance addiction that predates the date of
22 the offense, or that is unrelated to substance abuse or
23 ~~addiction or for~~ a physical disability, and the defendant is
24 amenable to treatment.

25 Section 2. This act shall take effect July 1, 2019.