



625222

LEGISLATIVE ACTION

Senate

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House

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The Committee on Criminal Justice (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 65 - 105

and insert:

or supervision pursuant to former s. 322.34, and who is serving such penalty on or after October 1, 2020, must be resentenced in accordance with paragraph (c). The person must be resentenced to a sentence as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Resentencing under this section must occur in the following manner:



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11           1. A person described in paragraph (b) who is eligible to  
12 request a sentence review hearing pursuant to this section shall  
13 be notified of such eligibility by the facility in which the  
14 person is imprisoned or the entity who is supervising the  
15 person.

16           2. A person seeking sentence review hearing under this  
17 section must submit an application to the court of original  
18 jurisdiction requesting such hearing to be conducted. Such  
19 request by the person serves to initiate the procedures provided  
20 for in this section. The sentencing court shall retain original  
21 jurisdiction for the duration of the sentence for this purpose.

22           3. A person who is eligible for a sentence review hearing  
23 under this section is entitled to be represented by counsel, and  
24 the court shall appoint a public defender to represent the  
25 person if he or she cannot afford an attorney.

26           4. Upon receiving an application from the eligible person,  
27 the court of original jurisdiction shall hold a sentence review  
28 hearing to determine if the eligible person meets the criteria  
29 for resentencing under this section. If the court determines at  
30 the sentence review hearing that the eligible person meets the  
31 criteria in this section for resentencing, the court must  
32 resentence the person as provided in this section; however, the  
33 new sentence may not exceed the person's original sentence with  
34 credit for time served. If the court determines that such person  
35 does not meet the criteria for resentencing under this section,  
36 the court must provide written reasons why such person does not  
37 meet such criteria.

38           (4) Notwithstanding any other law, a person who has been  
39 convicted of a felony under former s. 322.34 and whose offense



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40 would not be classified as a felony under the new s. 322.34,  
41 must have all outstanding fines, fees, and costs related to such  
42 felony conviction waived. In addition, such person must be  
43 treated as if he or she had been convicted of a misdemeanor  
44 violation of s. 322.34 for purposes of any right, privilege,  
45 benefit, remedy, or collateral consequence that the person might  
46 be entitled to but for such felony conviction. This provision  
47 does not serve to remove the designation of the person as a  
48 convicted felon. However, the consequences of such felony  
49 conviction that are solely statutory in nature and are imposed  
50 as a result of such conviction shall no longer apply.

51 Section 2. Effective upon the same date that SB 1506 or

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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 lines 11 - 15

56 and insert:

57 imprisonment or supervision; specifying the procedures  
58 for such resentencing; requiring certain persons  
59 convicted of driving while license suspended, revoked,  
60 canceled, or disqualified to have such conviction  
61 treated as a misdemeanor for specified purposes;  
62 requiring outstanding fines,