



170440

LEGISLATIVE ACTION

Senate

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House

Senator Bradley moved the following:

Senate Amendment (with title amendment)

Delete lines 68 - 191

and insert:

the mandatory minimum term of imprisonment and mandatory fine if, after the state has been afforded an opportunity on the record to make a recommendation, the court finds on the record that all of the following circumstances exist:

(a) The defendant has no prior conviction for a forcible felony as defined in s. 776.08, has no prior conviction for trafficking in a controlled substance, and has a total prior



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12 record score of less than four points on his or her sentencing
13 scoresheet.

14 (b) The defendant did not use violence or credible threats
15 of violence, or possess a firearm or other dangerous weapon, or
16 induce another participant to use violence or credible threats
17 of violence, in connection with the offense.

18 (c) The offense did not result in the death of or serious
19 bodily injury to any person.

20 (d) The defendant was not an organizer, leader, manager, or
21 supervisor of others in the offense and was not engaged in a
22 continuing criminal enterprise as defined in s. 893.20.

23 (e) At the time of the sentencing hearing or earlier, the
24 defendant has truthfully provided to the state all information
25 and evidence that he or she possesses concerning the offense or
26 offenses that were part of the same course of conduct or of a
27 common scheme or plan.

28 (f) The defendant has not previously benefited from the
29 application of this subsection.

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31 A court may not apply this subsection to an offense under this
32 section which carries a mandatory minimum term of imprisonment
33 of 7 years or more.

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete lines 11 - 31

38 and insert:

39 certain findings on the record; amending s. 961.03,
40 F.S.; revising the