

By Senator Brandes

24-00769-20

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1 A bill to be entitled
2 An act relating to sentencing; amending s. 775.082,
3 F.S.; revising the threshold of total sentence points
4 below which a court must sentence nonviolent felony
5 offenders who commit certain offenses and are
6 sentenced on or after a specified date to a nonstate
7 prison sanction; providing an exception; providing an
8 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. Subsection (10) of section 775.082, Florida
13 Statutes, is amended to read:

14 775.082 Penalties; applicability of sentencing structures;
15 mandatory minimum sentences for certain reoffenders previously
16 released from prison.—

17 (10) (a) If a defendant is sentenced ~~for an offense~~
18 ~~committed~~ on or after October 1, 2020, for an offense that ~~July~~
19 ~~1, 2009~~, which is a third degree felony but not a forcible
20 felony as defined in s. 776.08, and excluding any third degree
21 felony violation under chapter 810, and if the total sentence
22 points pursuant to s. 921.0024 are 44 ~~22~~ points or fewer, the
23 court must sentence the offender to a nonstate prison sanction.
24 However, if the jury makes written findings or the court makes
25 written findings as provided in paragraph (b) that a nonstate
26 prison sanction could present a danger to the public, the court
27 may sentence the offender to a state correctional facility
28 pursuant to this section.

29 (b)1. A defendant described in paragraph (a) who pleads

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30 guilty or nolo contendere may be sentenced to a nonstate prison
31 sanction under paragraph (a) if:

32 a. The defendant consents to the court determining whether
33 sentencing him or her to a nonstate prison sanction pursuant to
34 this subsection could present a danger to the public; and

35 b. The court does not make written findings that sentencing
36 the defendant to a nonstate prison sanction pursuant to this
37 subsection could present a danger to the public.

38 2. However, if the court makes written findings that a
39 nonstate prison sanction could present a danger to the public,
40 the court may sentence the offender to a state correctional
41 facility pursuant to this section.

42 Section 2. This act shall take effect October 1, 2020.