

1 A bill to be entitled
 2 An act relating to resentencing for felony offenses;
 3 creating s. 921.26, F.S.; providing legislative
 4 intent; authorizing the state attorney of a judicial
 5 circuit in which an offender was sentenced for a
 6 felony offense to petition the sentencing court to
 7 resentence the offender if the original sentence no
 8 longer advances the interests of justice; authorizing
 9 a court to grant or deny the petition; providing
 10 requirements if the sentencing court grants the
 11 petition; authorizing the court to consider specified
 12 postconviction factors; requiring that credit be given
 13 for time served; providing requirements for state
 14 attorneys; requiring a court to provide an opportunity
 15 for victims of the offender's crimes to present
 16 statements; providing applicability; providing an
 17 effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 921.26, Florida Statutes, is created to
 22 read:

23 921.26 State attorney petition for offender resentencing.-

24 (1) It is the intent of the Legislature to give
 25 prosecutors the discretion to petition a sentencing court to

26 resentence an individual if the individual's sentence no longer
27 advances the interests of justice. The purpose of sentencing is
28 to advance public safety through punishment, rehabilitation, and
29 restorative justice. When a sentence includes incarceration,
30 this purpose is best served by terms that are proportionate to
31 the seriousness of the offense and provide uniformity with the
32 sentences of offenders committing the same offense under similar
33 circumstances. By providing a means to reevaluate a sentence
34 after some time has passed, the Legislature intends to provide
35 prosecutors and courts with another tool to ensure these
36 purposes are achieved.

37 (2) The state attorney of a judicial circuit in which an
38 offender was sentenced for a felony offense may petition the
39 sentencing court to resentence the offender if the original
40 sentence no longer advances the interests of justice.

41 (3) The court may grant or deny a petition under this
42 section. If the sentencing court grants a petition, it must
43 resentence the defendant in the same manner as if the offender
44 had not previously been sentenced, and it may not impose a new
45 sentence greater than the initial sentence.

46 (4) The court may consider postconviction factors
47 including, but not limited to, the inmate's disciplinary record
48 and record of rehabilitation while incarcerated; evidence that
49 reflects whether age, time served, and diminished physical
50 condition, if any, have reduced the inmate's risk for future

51 violence; and evidence that reflects changed circumstances since
52 the inmate's original sentencing such that the inmate's
53 continued incarceration no longer serves the interests of
54 justice. Credit must be given for time served.

55 (5) The state attorney shall make reasonable efforts to
56 notify victims and survivors of victims of the petition for
57 resentencing and the date of the resentencing hearing. The state
58 attorney shall provide victims and survivors of victims access
59 to available victim advocates and other related services. The
60 court shall provide an opportunity for victims and survivors of
61 victims of any crimes for which the offender has been convicted
62 to present a statement personally or by representation.

63 (6) A resentencing under this section does not reopen the
64 defendant's conviction to challenges that would otherwise be
65 barred.

66 Section 2. This act shall take effect July 1, 2021.