



968060

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2021	.	
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The Committee on Criminal Justice (Rouson) recommended the following:

**Senate Amendment**

Delete lines 57 - 151  
and insert:  
October 1, 2021, to a mandatory minimum term of imprisonment pursuant to former s. 775.087, and who is serving such mandatory minimum term of imprisonment on or after October 1, 2021, must be resentenced in accordance with paragraph (c) to a sentence without such mandatory minimum term of imprisonment. The new sentence must be as provided in s. 775.082, s. 775.083, or s.



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11 775.084.

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

14 1. The Department of Corrections shall notify the person  
15 described in paragraph (b) of his or her eligibility to request  
16 a sentence review hearing.

17 2. The person seeking sentence review under this section  
18 may submit an application to the court of original jurisdiction  
19 requesting that a sentence review hearing be held. The  
20 sentencing court retains original jurisdiction for the duration  
21 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 sentencing jurisdiction shall hold a  
28 sentence review hearing to determine if the eligible person  
29 meets the criteria for resentencing under this section. If the  
30 court determines at the sentence review hearing that the  
31 eligible person meets the criteria in this section for  
32 resentencing, the court must resentence the person as provided  
33 in this section; however, the new sentence may not exceed the  
34 person's original sentence with credit for time served. If the  
35 court determines that such person does not meet the criteria for  
36 resentencing under this section, the court must provide written  
37 reasons why such person does not meet such criteria.

38 (d) A person sentenced or resentenced pursuant to this  
39 section is eligible to receive any gain-time pursuant to s.



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40 944.275 which he or she was previously ineligible to receive  
41 because of the imposition of the mandatory minimum term of  
42 imprisonment pursuant to former s. 775.087.

43 Section 2. Section 893.13501, Florida Statutes, is created  
44 to read:

45 893.13501 Retroactive application relating to s. 893.135;  
46 legislative intent; sentencing or resentencing for trafficking  
47 in hydrocodone, codeine, or oxycodone; penalties; resentencing  
48 procedures.—

49 (1) It is the intent of the Legislature to retroactively  
50 apply changes to gram-weight thresholds and ranges and to  
51 penalties for trafficking in hydrocodone or codeine which are  
52 applicable to offenders who committed these offenses on or after  
53 October 1, 2019, the effective date of amendments to s. 893.135  
54 by chapter 2019-167, Laws of Florida.

55 (a) If a violation of s. 893.135(1)(c) involving  
56 trafficking in hydrocodone, as described in s. 893.03(2)(a)1.k.;  
57 trafficking in codeine, as described in s. 893.03(2)(a)1.g.; or  
58 trafficking in any salt of hydrocodone or of codeine, or any  
59 mixture containing any such substance, as described in s.  
60 893.03(2)(a)2., was committed before October 1, 2019, and was  
61 punishable as a felony of the first degree at the time the  
62 violation was committed, the changes must be retroactively  
63 applied as provided in this subsection.

64 (b) A person who committed a trafficking violation  
65 described in paragraph (a) before October 1, 2019, but who was  
66 not sentenced for such violation before October 1, 2021, must be  
67 sentenced as provided in paragraph (d).

68 (c) A person who committed a trafficking violation



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69 described in paragraph (a) before October 1, 2019, and who is  
70 serving a mandatory minimum term of imprisonment for such  
71 violation on or after October 1, 2021, must be resentenced as  
72 provided in paragraph (d) and in accordance with subsection (3).

73 (d)1. A violation described in paragraph (a) for which the  
74 person is to be sentenced or resentenced pursuant to this  
75 subsection is a felony of the first degree, punishable as  
76 provided in s. 775.082, s. 775.083, or s. 775.084.

77 2. If the quantity of hydrocodone, as described in s.  
78 893.03(2)(a)1.k., codeine, as described in s. 893.03(2)(a)1.g.,  
79 any salt thereof, or any mixture containing any such substance  
80 involved in the violation of s. 893.135:

81 a. Was 4 grams or more, but less than 28 grams, such person  
82 must be sentenced or resentenced as provided in s. 775.082, s.  
83 775.083, or s. 775.084.

84 b. Was 28 grams or more, but less than 50 grams, such  
85 person must be sentenced or resentenced to a mandatory minimum  
86 term of imprisonment of 3 years and ordered to pay a fine of  
87 \$50,000.

88 c. Was 50 grams or more, but less than 100 grams, such  
89 person must be sentenced or resentenced to a mandatory minimum  
90 term of imprisonment of 7 years and ordered to pay a fine of  
91 \$100,000.

92 d. Was 100 grams or more, but less than 300 grams, such  
93 person must be sentenced or resentenced to a mandatory minimum  
94 term of imprisonment of 15 years and ordered to pay a fine of  
95 \$500,000.

96 e. Was 300 grams or more, but less than 30 kilograms, such  
97 person must be sentenced or resentenced to a mandatory minimum



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98 term of imprisonment of 25 years and ordered to pay a fine of  
99 \$500,000 if the trafficking involves hydrocodone, any salt  
100 thereof, or any mixture containing hydrocodone, or \$750,000, if  
101 the trafficking involves codeine, or any salt thereof, or any  
102 mixture containing codeine.  
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