

By the Committee on Judiciary; and Senators Brandes and Rouson

590-02343-21

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1 A bill to be entitled
2 An act relating to resentencing; creating s. 921.30,
3 F.S.; providing legislative intent; authorizing the
4 state attorney of a judicial circuit in which an
5 offender was sentenced for a felony offense to
6 petition the sentencing court to resentence the
7 offender if the original sentence no longer advances
8 the interests of justice; authorizing a court to grant
9 or deny the petition; providing requirements if the
10 sentencing court grants the petition; authorizing the
11 court to consider specified postconviction factors;
12 requiring that credit be given for time served;
13 providing requirements for state attorneys; requiring
14 a court to provide an opportunity for victims of the
15 offender's crimes to present statements; providing
16 applicability; providing an effective date.

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

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20 Section 1. Section 921.30, Florida Statutes, is created to
21 read:

22 921.30 State attorney petition for offender resentencing.-
23 (1) It is the intent of the Legislature to give prosecutors
24 the discretion to petition a sentencing court to resentence an
25 individual if the individual's sentence no longer advances the
26 interests of justice. The purpose of sentencing is to advance
27 public safety through punishment, rehabilitation, and
28 restorative justice. When a sentence includes incarceration,
29 this purpose is best served by terms that are proportionate to

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30 the seriousness of the offense and provide uniformity with the
31 sentences of offenders committing the same offense under similar
32 circumstances. By providing a means to reevaluate a sentence
33 after some time has passed, the Legislature intends to provide
34 prosecutors and courts with another tool to ensure these
35 purposes are achieved.

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

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

45 (4) The court may consider postconviction factors
46 including, but not limited to, the offender's inmate
47 disciplinary record and record of rehabilitation while
48 incarcerated; evidence that reflects whether age, time served,
49 and diminished physical condition, if any, have reduced the
50 offender's risk of recidivism; and evidence that reflects
51 changed circumstances since the offender's original sentencing
52 such that the offender's continued incarceration no longer
53 serves the interests of justice. Credit must be given for time
54 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

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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 offender's conviction to challenges that would otherwise be
65 barred.

66 Section 2. This act shall take effect July 1, 2021, and
67 shall apply to all offenders regardless of the date of the
68 offense.