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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Bracy) recommended the following:

1 **Senate Amendment to Amendment (423494) (with directory and**
2 **title amendments)**

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4 Between lines 1523 and 1524
5 insert:

6 (8) For an offense listed under this section committed on
7 or after October 1, 2017, which carries a mandatory minimum
8 sentence, a court may depart from the applicable mandatory
9 minimum sentence if, in giving due regard to the nature of the
10 crime, history, and character of the defendant, and the



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11 defendant's chances of successful rehabilitation, the court
12 finds compelling reasons on the record that imposition of the
13 mandatory minimum is not necessary for the protection of the
14 public. Each month, a court shall submit to the Office of
15 Economic and Demographic Research of the Legislature the written
16 reasons in each case in which the court departed from the
17 mandatory minimum sentence.

18
19 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

20 And the directory clause is amended as follows:

21 Delete lines 1189 - 1191

22 and insert:

23 Section 6. Paragraphs (c), (d), and (k) of subsection (1)
24 of section 893.135, Florida Statutes, are amended, and
25 paragraphs (m) and (n) are added to that subsection, and a new
26 subsection (8) is added to that section, to read:

27
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Between lines 2532 and 2533

31 insert:

32 authorizing a court to depart from a mandatory minimum
33 sentence for drug trafficking if the court finds
34 compelling reasons that the mandatory minimum sentence
35 is not necessary for the protection of the public;
36 requiring a court to submit written reasons for such
37 departure to the Office of Economic and Demographic
38 Research;