

1 A bill to be entitled
 2 An act relating to sentencing for possession of a
 3 controlled substance; amending s. 775.082, F.S.;
 4 requiring that a court sentence a defendant who is
 5 convicted of a primary offense of possession of a
 6 controlled substance committed on or after a specified
 7 date to a nonstate prison sanction under certain
 8 circumstances; defining the term "possession of a
 9 controlled substance"; providing an effective date.

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

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 13 Section 1. Present subsection (11) of section 775.082,
 14 Florida Statutes, is redesignated as subsection (12), and a new
 15 subsection (11) is added to that section to read:

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

19 (11) If a defendant is sentenced for a primary offense of
 20 possession of a controlled substance committed on or after
 21 October 1, 2017, and if the total sentence points pursuant to s.
 22 921.0024 are 60 points or fewer, the court must sentence the
 23 offender to a nonstate prison sanction. However, if the court
 24 makes written findings that a nonstate prison sanction could
 25 present a danger to the public, the court may sentence the

26 | offender to a state correctional facility pursuant to this
27 | section. As used in this subsection, the term "possession of a
28 | controlled substance" means possession of a controlled substance
29 | in violation of s. 893.13, but does not include possession with
30 | intent to sell, manufacture, or deliver a controlled substance
31 | or possession of a controlled substance in violation of s.
32 | 893.135.

33 | Section 2. This act shall take effect October 1, 2017.