



CRIMINAL PUNISHMENT CODE TASK FORCE Enhancements Subcommittee

Minutes

February 11, 2020 at Noon
Conference Call

I. Members Present:

The Honorable Michelle Sisco (Chair)
The Honorable Charles E. Williams
Chief Melanie Bevan
The Honorable Bernie McCabe
Professor John Stinneford

II. Enhancements Subcommittee

The subcommittee discussed Proposed Recommendation #1. Members noted the increased costs associated with such judicial review, especially were this recommendation to be made retroactive. The subcommittee will submit this recommendation to the Legislature, providing language to indicate that the Task Force understands and has considered retroactive application, but ultimately the Legislature should make the final decision.

Staff is working on a memo to determine if this is procedural or substantive in nature. With regard to Proposed Recommendation #2, the subcommittee voted to change "shall" to "may", resulting in the following language:

Recommendation: Amend the language in section 775.087(2)(d) to give judges discretion to make the firearms sentences consecutive or concurrent. Amend section 775.087(2)(d), Florida Statute to read: ... The court may impose any term of imprisonment provided for in this subsection **concurrently or** consecutively to any other term of imprisonment imposed for any other felony offense.

The subcommittee discussed Proposed Discussion Item #1: In light of House Bill 837, the subcommittee agreed to focus on legislation around conditional release and gauge the Task Force on potential further action.

III. Public Comment

Mr. N. Adam Tebrugge:

Mr. Tebrugge proposed to amend Florida Rule of Criminal Procedure 3.800C to allow for the modification of a sentence at any time if it is stipulated to by the state attorney, defendant and subsequently approved by the court with a public hearing. Mr. Tebrugge will present further at the next meeting.

Additionally, apart from his proposal, Mr. Tebrugge encouraged the subcommittee to continue discussing judicial review.

The next subcommittee meeting will take place on March 10, 2020 at Noon.

IV. Adjourn

The meeting was adjourned at approximately 12:48 P.M.