

775.087 Possession or use of weapon; aggravated battery;  
felony reclassification; minimum sentence.—

(6) It is the intent of the Legislature to retroactively apply chapter 2016-7, Laws of Florida, only as provided in this subsection to persons who committed aggravated assault or attempted aggravated assault before July 1, 2016, the effective date of chapter 2016-7, Laws of Florida, which amended this section to remove aggravated assault or attempted aggravated assault from the list of predicate offenses for mandatory minimum terms of imprisonment under this section.

(a) On or after October 1, 2019, a person who committed aggravated assault or attempted aggravated assault before July 1, 2016, may not be sentenced to a mandatory minimum term of imprisonment under this section as it existed at any time before its amendment by chapter 2016-7, Laws of Florida.

(b) A person who committed aggravated assault or attempted aggravated assault before July 1, 2016, who was sentenced before October 1, 2019, to a mandatory minimum term of imprisonment pursuant to this section as it existed at any time before its amendment by chapter 2016-7, Laws of Florida, and who is serving such mandatory minimum term of imprisonment on or after October 1, 2019, shall be resentenced to a sentence without such mandatory minimum term of imprisonment. The person shall be resentenced to a sentence as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person sentenced or resentenced pursuant to this subsection is eligible to receive any gain-time pursuant to s. 944.275 which he or she was previously ineligible to receive because of the imposition of the mandatory minimum term of imprisonment.

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*(NOTE: The above is the text of the Florida Senate 2<sup>nd</sup> version of SB 642 in the 2019 Session; retroactive release from 10-20-Life for aggravated assault convictions (lines 1983-2012), as passed by the Florida Senate on 4/22/2019.)*