



1 trafficking in amphetamine, capital importation  
2 of amphetamine, trafficking in flunitrazepam,  
3 or other specified violation of s. 893.135(1),  
4 F.S.; providing for imposition of a 20-year  
5 minimum term of imprisonment when, in addition  
6 to such circumstances, the firearm or  
7 destructive device was discharged while the  
8 person was carrying, displaying, using, or  
9 threatening or attempting to use the firearm or  
10 destructive device; providing for imposition of  
11 a minimum term of imprisonment of not less than  
12 25 years and not more than a term of  
13 imprisonment of life in prison when, in further  
14 addition to such circumstances, the discharging  
15 of the firearm or destructive device resulted  
16 in infliction of death or great bodily harm  
17 upon any person; providing for construction;  
18 providing legislative intent with respect to  
19 punishment of offenders who possess, carry,  
20 display, use, or threaten or attempt to use  
21 firearms or destructive devices; providing  
22 imposition of the minimum term of imprisonment  
23 consecutive to any other term of imprisonment  
24 imposed; providing that the minimum term of  
25 imprisonment imposed is authorized by law  
26 regardless of the maximum sentence that may be  
27 imposed for the underlying felony; increasing  
28 from 8 to 15 years the minimum prison term for  
29 certain felonies or attempted felonies under  
30 specified circumstances when, during the  
31 commission of the offense, the offender

1           possessed a semiautomatic firearm and its  
2           high-capacity detachable box magazine or a  
3           machine gun; providing for the category of such  
4           offenses to include murder, sexual battery,  
5           robbery, burglary, arson, aggravated assault,  
6           aggravated battery, kidnapping, escape,  
7           aircraft piracy, aggravated child abuse,  
8           aggravated abuse of an elderly person or  
9           disabled adult, unlawful throwing, placing, or  
10          discharging of a destructive device or bomb,  
11          carjacking, home-invasion robbery, aggravated  
12          stalking, and trafficking in cannabis,  
13          trafficking in cocaine, capital importation of  
14          cocaine, trafficking in illegal drugs, capital  
15          importation of illegal drugs, trafficking in  
16          phencyclidine, capital importation of  
17          phencyclidine, trafficking in methaqualone,  
18          capital importation of methaqualone,  
19          trafficking in amphetamine, capital importation  
20          of amphetamine, trafficking in flunitrazepam,  
21          or other specified violation of s. 893.135(1);  
22          providing for imposition of a 20-year minimum  
23          term of imprisonment when, in addition to such  
24          circumstances, the semiautomatic firearm and  
25          its high-capacity detachable box magazine or a  
26          machine gun was discharged while the person was  
27          carrying, displaying, using, or threatening or  
28          attempting to use the semiautomatic firearm and  
29          its high-capacity detachable box magazine or a  
30          machine gun; providing for imposition of a  
31          minimum term of imprisonment of not less than

1 25 years and not more than a term of  
2 imprisonment of life in prison when, in further  
3 addition to such circumstances, the discharging  
4 of the semiautomatic firearm and its  
5 high-capacity detachable box magazine or a  
6 machine gun resulted in infliction of death or  
7 great bodily harm upon any person; providing  
8 for construction; providing legislative intent  
9 with respect to punishment of offenders who  
10 possess, carry, display, use, or threaten or  
11 attempt to use a semiautomatic firearm and its  
12 high-capacity detachable box magazine or a  
13 machine gun; providing for imposition of the  
14 minimum term of imprisonment consecutive to any  
15 other term of imprisonment imposed; providing  
16 that the minimum term of imprisonment imposed  
17 is authorized by law regardless of the maximum  
18 sentence that may be imposed for the underlying  
19 felony; providing for legislative policy and  
20 intent; providing for a report; reenacting s.  
21 921.0022(2), F.S., relating to the Criminal  
22 Punishment Code offense severity ranking chart,  
23 s. 921.0024(1)(b), F.S., relating to Florida  
24 Criminal Punishment Code worksheet computations  
25 and key, and s. 947.146(3)(b), F.S., relating  
26 to Control Release Authority, to incorporate  
27 said amendment in references; providing for  
28 public service announcements with respect to  
29 the penalties provided in the act; providing an  
30 effective date.  
31

1           WHEREAS, Florida ranks among the most violent states in  
2 the nation, and

3           WHEREAS, in 1975 the Florida Legislature enacted  
4 legislation requiring a minimum mandatory sentence of three  
5 years in prison for possessing a gun during the commission or  
6 attempted commission of a violent felony, and

7           WHEREAS, the Legislature enacted this mandatory penalty  
8 in order to protect citizens from criminals who are known to  
9 use guns during the commission of violent crimes, and

10           WHEREAS, the FBI reports that among persons identified  
11 in the felonious killings of law enforcement officers in 1997,  
12 71% had prior criminal convictions, and one of every four were  
13 on probation or parole for other crimes when they killed the  
14 officers, and

15           WHEREAS, criminals who use guns during the commission  
16 of violent crimes pose an increased danger to the lives,  
17 health, and safety of Florida's citizens and to Florida's law  
18 enforcement officers who daily put their lives on the line to  
19 protect citizens from violent criminals, and

20           WHEREAS, the Legislature intends to hold criminals more  
21 accountable for their crimes, and intends for criminals who  
22 use guns to commit violent crimes to receive greater criminal  
23 penalties than they do today, and

24           WHEREAS, the Legislature intends that when law  
25 enforcement officers put themselves in harm's way to apprehend  
26 and arrest these gun-wielding criminals who terrorize the  
27 streets and neighborhoods of Florida, that these criminals be  
28 sentenced to longer mandatory prison terms than provided in  
29 current law, so that these offenders cannot again endanger law  
30 enforcement officers and the public, and

31

1           WHEREAS, there is a critical need for effective  
2 criminal justice measures that will ensure that violent  
3 criminals are sentenced to prison terms that will effectively  
4 incapacitate the offender, prevent future crimes, and reduce  
5 violent crime rates, and

6           WHEREAS, it is the intent of the Legislature that  
7 criminals who use guns to commit violent crimes be vigorously  
8 prosecuted and that the state demand that minimum mandatory  
9 terms of imprisonment be imposed pursuant to this act, NOW,  
10 THEREFORE,

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

13  
14           Section 1. Section 775.087, Florida Statutes, is  
15 amended to read:

16           775.087 Possession or use of weapon; aggravated  
17 battery; felony reclassification; minimum sentence.--

18           (1) Unless otherwise provided by law, whenever a  
19 person is charged with a felony, except a felony in which the  
20 use of a weapon or firearm is an essential element, and during  
21 the commission of such felony the defendant carries, displays,  
22 uses, threatens to use, or attempts to use any weapon or  
23 firearm, or during the commission of such felony the defendant  
24 commits an aggravated battery, the felony for which the person  
25 is charged shall be reclassified as follows:

26           (a) In the case of a felony of the first degree, to a  
27 life felony.

28           (b) In the case of a felony of the second degree, to a  
29 felony of the first degree.

30           (c) In the case of a felony of the third degree, to a  
31 felony of the second degree.

1  
2 For purposes of sentencing under chapter 921 and determining  
3 incentive gain-time eligibility under chapter 944, a felony  
4 offense which is reclassified under this section is ranked one  
5 level above the ranking under s. 921.0022 or s. 921.0023 of  
6 the felony offense committed.

7       (2)(a)1. Any person who is convicted of a felony or an  
8 attempt to commit a felony and the conviction was for:

9           a.~~(a)~~ Murder;

10          b.~~(b)~~ Sexual battery;

11          c.~~(c)~~ Robbery;

12          d.~~(d)~~ Burglary;

13          e.~~(e)~~ Arson;

14          f.~~(f)~~ Aggravated assault;

15          g.~~(g)~~ Aggravated battery;

16          h.~~(h)~~ Kidnapping;

17          i.~~(i)~~ Escape;

18          j.~~(j)~~ Aircraft piracy;

19          k.~~(k)~~ Aggravated child abuse;

20          l.~~(l)~~ Aggravated abuse of an elderly person or  
21 disabled adult;

22          m.~~(m)~~ Unlawful throwing, placing, or discharging of a  
23 destructive device or bomb;

24          n.~~(n)~~ Carjacking;

25          o.~~(o)~~ Home-invasion robbery; ~~or~~

26          p.~~(p)~~ Aggravated stalking; or

27          q. Trafficking in cannabis, trafficking in cocaine,  
28 capital importation of cocaine, trafficking in illegal drugs,  
29 capital importation of illegal drugs, trafficking in  
30 phencyclidine, capital importation of phencyclidine,  
31 trafficking in methaqualone, capital importation of

1 methaqualone, trafficking in amphetamine, capital importation  
2 of amphetamine, trafficking in flunitrazepam, or other  
3 violation of s. 893.135(1)

4  
5 and during the commission of the offense, such person  
6 possessed a "firearm" or "destructive device" as those terms  
7 are defined in s. 790.001, shall be sentenced to a minimum  
8 term of imprisonment of 10 3 years, except that a person who  
9 is convicted for aggravated assault or burglary of a  
10 conveyance shall be sentenced to a minimum term of  
11 imprisonment of 3 years if such person possessed a "firearm"  
12 or "destructive device" during the commission of the offense.

13 2. Whenever a person is convicted of any of the  
14 felonies listed in sub-subparagraphs (a)1.a.-q., regardless of  
15 whether the use of a weapon is an element of the felony, and  
16 during the course of the commission of the felony or the  
17 flight therefrom, a "firearm" or "destructive device" as  
18 defined in s. 790.001 was discharged while the person was  
19 carrying, displaying, using, threatening to use, or attempting  
20 to use it, the person shall be sentenced to a minimum term of  
21 imprisonment of 20 years.

22 3. Whenever a person is convicted of any of the  
23 felonies listed in sub-subparagraphs (a)1.a.-q., regardless of  
24 whether the use of a weapon is an element of the felony, and  
25 during the course of the commission of the felony or the  
26 flight therefrom, a "firearm" or "destructive device" as  
27 defined in s. 790.001 was discharged while the person was  
28 carrying, displaying, using, threatening to use, or attempting  
29 to use it and, as the result of the discharge, death or great  
30 bodily harm was inflicted upon any person, the convicted  
31 person shall be sentenced to a minimum term of imprisonment of



1 not less than 25 years and not more than a term of  
2 imprisonment of life in prison. Nothing herein shall prevent a  
3 court from imposing a greater sentence of incarceration as  
4 authorized by law, or from imposing a sentence of death  
5 pursuant to other applicable law. Nothing herein shall  
6 authorize a court to impose a lesser sentence than otherwise  
7 required by law.

8  
9 Notwithstanding s. 948.01, adjudication of guilt or imposition  
10 of sentence shall not be suspended, deferred, or withheld, and  
11 the defendant is not eligible for statutory gain-time under s.  
12 944.275 or any form of discretionary early release, other than  
13 pardon or executive clemency, or conditional medical release  
14 under s. 947.149, prior to serving the minimum sentence.

15 (b) The minimum terms of imprisonment imposed pursuant  
16 to this subsection are authorized by law regardless of the  
17 maximum sentence that may be imposed for the underlying felony  
18 committed by the person during which the firearm or  
19 destructive device was possessed, carried, displayed, used,  
20 threatened to be used, or attempted to be used.

21 (c) It is the intent of the Legislature that offenders  
22 who possess, carry, display, use, threaten to use, or attempt  
23 to use firearms or destructive devices be punished to the  
24 fullest extent of the law, and the minimum terms of  
25 imprisonment imposed pursuant to this subsection shall be  
26 imposed for each qualifying felony count for which the person  
27 is convicted. The court shall impose any term of imprisonment  
28 provided for in this subsection consecutively to any other  
29 term of imprisonment imposed for any other felony offense.

30 (3)(a)1. Any person who is convicted of a felony or an  
31 attempt to commit a felony and the conviction was for:

1           ~~a.1.~~ Murder;  
2           ~~b.2.~~ Sexual battery;  
3           ~~c.3.~~ Robbery;  
4           ~~d.4.~~ Burglary;  
5           ~~e.5.~~ Arson;  
6           ~~f.6.~~ Aggravated assault;  
7           ~~g.7.~~ Aggravated battery;  
8           ~~h.8.~~ Kidnapping;  
9           ~~i.9.~~ Escape;  
10          ~~j.10.~~ Sale, manufacture, delivery, or intent to sell,  
11 manufacture, or deliver any controlled substance;  
12          ~~k.11.~~ Aircraft piracy;  
13          ~~l.12.~~ Aggravated child abuse;  
14          ~~m.13.~~ Aggravated abuse of an elderly person or  
15 disabled adult;  
16          ~~n.14.~~ Unlawful throwing, placing, or discharging of a  
17 destructive device or bomb;  
18          ~~o.15.~~ Carjacking;  
19          ~~p.16.~~ Home-invasion robbery; ~~or~~  
20          ~~q.17.~~ Aggravated stalking; ~~or~~  
21          r. Trafficking in cannabis, trafficking in cocaine,  
22 capital importation of cocaine, trafficking in illegal drugs,  
23 capital importation of illegal drugs, trafficking in  
24 phencyclidine, capital importation of phencyclidine,  
25 trafficking in methaqualone, capital importation of  
26 methaqualone, trafficking in amphetamine, capital importation  
27 of amphetamine, trafficking in flunitrazepam, or other  
28 violation of s. 893.135(1);  
29  
30 and during the commission of the offense, such person  
31 possessed a semiautomatic firearm and its high-capacity

1 detachable box magazine or a machine gun as defined in s.  
2 790.001, shall be sentenced to a minimum term of imprisonment  
3 of 15 & years.  
4       2. Whenever a person is convicted of any of the  
5 felonies listed in sub-subparagraphs (a)1.a.-r., regardless of  
6 whether the use of a weapon is an element of the felony, and  
7 during the course of the commission of the felony or the  
8 flight therefrom, a semiautomatic firearm and its  
9 high-capacity box magazine or a "machine gun" as defined in s.  
10 790.001 was discharged while the person was carrying,  
11 displaying, using, threatening to use, or attempting to use  
12 it, the person shall be sentenced to a minimum term of  
13 imprisonment of 20 years.  
14       3. Whenever a person is convicted of any of the  
15 felonies listed in sub-subparagraphs (a)1.a.-r., regardless of  
16 whether the use of a weapon is an element of the felony, and  
17 during the course of the commission of the felony or the  
18 flight therefrom, a semiautomatic firearm and its  
19 high-capacity box magazine or a "machine gun" as defined in s.  
20 790.001 was discharged while the person was carrying,  
21 displaying, using, threatening to use, or attempting to use it  
22 and, as the result of the discharge, death or great bodily  
23 harm was inflicted upon any person, the convicted person shall  
24 be sentenced to a minimum term of imprisonment of not less  
25 than 25 years and not more than a term of imprisonment of life  
26 in prison. Nothing herein shall prevent a court from imposing  
27 a greater sentence of incarceration as authorized by law, or  
28 from imposing a sentence of death pursuant to other applicable  
29 law. Nothing herein shall authorize a court to impose a lesser  
30 sentence than otherwise required by law.  
31

1 Notwithstanding s. 948.01, adjudication of guilt or imposition  
2 of sentence shall not be suspended, deferred, or withheld, and  
3 the defendant is not eligible for statutory gain-time under s.  
4 944.275 or any form of discretionary early release, other than  
5 pardon or executive clemency, or conditional medical release  
6 under s. 947.149, prior to serving the minimum sentence.

7 (b) The minimum terms of imprisonment imposed pursuant  
8 to this subsection are authorized by law regardless of the  
9 maximum sentence that may be imposed for the underlying felony  
10 committed by the person during which the semiautomatic firearm  
11 and its high-capacity box magazine or machine gun was  
12 possessed, carried, displayed, used, threatened to be used, or  
13 attempted to be used.

14 (c) It is the intent of the Legislature that offenders  
15 who possess, carry, display, use, threaten to use, or attempt  
16 to use semiautomatic firearms and its high-capacity box  
17 magazines or machine guns be punished to the fullest extent of  
18 the law, and the minimum terms of imprisonment imposed  
19 pursuant to this subsection shall be imposed for each  
20 qualifying felony count for which the person is convicted. The  
21 court shall impose any term of imprisonment provided for in  
22 this subsection consecutively to any other term of  
23 imprisonment imposed for any other felony offense.

24 (d)(b) As used in this subsection, the term:

25 1. "High-capacity detachable box magazine" means any  
26 detachable box magazine, for use in a semiautomatic firearm,  
27 which is capable of being loaded with more than 20 centerfire  
28 cartridges.

29 2. "Semiautomatic firearm" means a firearm which is  
30 capable of firing a series of rounds by separate successive  
31

1 depressions of the trigger and which uses the energy of  
2 discharge to perform a portion of the operating cycle.

3 Section 2. Legislative intent and policy; report.--

4 (1) It is the intent of the Legislature that convicted  
5 criminal offenders who meet the criteria in s. 775.087(2) and  
6 (3), Florida Statutes, be sentenced to the minimum mandatory  
7 prison terms provided herein, unless the state attorney's  
8 office submits a written memorandum to the court requesting  
9 that the minimum mandatory term not be imposed, stating the  
10 basis for that request. This memorandum shall be entered in  
11 the court file before the court imposes a sentence in any case  
12 in which the charging law enforcement agency based a criminal  
13 charge on facts demonstrating that the defendant met the  
14 criteria in s. 775.087(2) and (3), Florida Statutes, and could  
15 have been sentenced to the minimum mandatory prison terms  
16 provided therein. The memorandum must also be placed in the  
17 case file of the office of the state attorney.

18 (2) Effective July 1, 2000, each state attorney shall  
19 annually report to the Speaker of the House, the President of  
20 the Senate, and the Executive Office of the Governor regarding  
21 the prosecution and sentencing of offenders who met the  
22 criteria in s. 775.087(2) and (3), Florida Statutes. The  
23 report shall include the number of charges received in each  
24 circuit during the previous fiscal year by law enforcement  
25 agencies which based a criminal charge on facts demonstrating  
26 that the defendant met the criteria in s. 775.087(2) and (3),  
27 Florida Statutes, the case number of the state attorney's  
28 office involving such criminal charges, the final disposition,  
29 if any, of such cases, whether the minimum mandatory prison  
30 terms authorized herein were imposed in such cases, and a copy  
31 of each memorandum submitted to the courts that state a

1 written basis in those cases in which the minimum mandatory  
2 prison terms were not requested. Cases in which a final  
3 disposition has not yet been reached shall be reported in a  
4 subsequent annual report. Copies of each report shall be  
5 maintained by the Florida Prosecuting Attorneys Association  
6 and each elected state attorney. By July 1, 2001, each elected  
7 state attorney or the Florida Prosecuting Attorneys  
8 Association shall make each annual report available to the  
9 public on the Internet.

10 Section 3. For the purpose of incorporating the  
11 amendment to section 775.087, Florida Statutes, in references  
12 thereto, the following sections or subdivisions of Florida  
13 Statutes, or Florida Statutes, 1998 Supplement, are reenacted  
14 to read:

15 921.0022 Criminal Punishment Code; offense severity  
16 ranking chart.--

17 (2) The offense severity ranking chart has 10 offense  
18 levels, ranked from least severe, which are level 1 offenses,  
19 to most severe, which are level 10 offenses, and each felony  
20 offense is assigned to a level according to the severity of  
21 the offense. For purposes of determining which felony offenses  
22 are specifically listed in the offense severity ranking chart  
23 and which severity level has been assigned to each of these  
24 offenses, the numerical statutory references in the left  
25 column of the chart and the felony degree designations in the  
26 middle column of the chart are controlling; the language in  
27 the right column of the chart is provided solely for  
28 descriptive purposes. Reclassification of the degree of the  
29 felony through the application of s. 775.0845, s. 775.087, s.  
30 775.0875, s. 794.023, or any other law that provides an  
31 enhanced penalty for a felony offense, to any offense listed

1 in the offense severity ranking chart in this section shall  
2 not cause the offense to become unlisted and is not subject to  
3 the provisions of s. 921.0023.

4 921.0024 Criminal Punishment Code; worksheet  
5 computations; scoresheets.--

6 (1)

7

8 (b) WORKSHEET KEY:

9

10 Legal status points are assessed when any form of legal status  
11 existed at the time the offender committed an offense before  
12 the court for sentencing. Four (4) sentence points are  
13 assessed for an offender's legal status.

14

15 Community sanction violation points are assessed when a  
16 community sanction violation is before the court for  
17 sentencing. Six (6) sentence points are assessed for each  
18 community sanction violation, and each successive community  
19 sanction violation; however, if the community sanction  
20 violation includes a new felony conviction before the  
21 sentencing court, twelve (12) community sanction violation  
22 points are assessed for such violation, and for each  
23 successive community sanction violation involving a new felony  
24 conviction. Multiple counts of community sanction violations  
25 before the sentencing court shall not be a basis for  
26 multiplying the assessment of community sanction violation  
27 points.

28

29 Prior serious felony points: If the offender has a primary  
30 offense or any additional offense ranked in level 8, level 9,  
31 or level 10, and one or more prior serious felonies, a single

1 assessment of 30 points shall be added. For purposes of this  
2 section, a prior serious felony is an offense in the  
3 offender's prior record that is ranked in level 8, level 9, or  
4 level 10 under s. 921.0022 or s. 921.0023 and for which the  
5 offender is serving a sentence of confinement, supervision, or  
6 other sanction or for which the offender's date of release  
7 from confinement, supervision, or other sanction, whichever is  
8 later, is within 3 years before the date the primary offense  
9 or any additional offense was committed.

10

11 Prior capital felony points: If the offender has one or more  
12 prior capital felonies in the offender's criminal record,  
13 points shall be added to the subtotal sentence points of the  
14 offender equal to twice the number of points the offender  
15 receives for the primary offense and any additional offense.  
16 A prior capital felony in the offender's criminal record is a  
17 previous capital felony offense for which the offender has  
18 entered a plea of nolo contendere or guilty or has been found  
19 guilty; or a felony in another jurisdiction which is a capital  
20 felony in that jurisdiction, or would be a capital felony if  
21 the offense were committed in this state.

22

23 Possession of a firearm, semiautomatic firearm, or machine  
24 gun: If the offender is convicted of committing or attempting  
25 to commit any felony other than those enumerated in s.  
26 775.087(2) while having in his possession: a firearm as  
27 defined in s. 790.001(6), an additional 18 sentence points are  
28 assessed; or if the offender is convicted of committing or  
29 attempting to commit any felony other than those enumerated in  
30 s. 775.087(3) while having in his possession a semiautomatic  
31 firearm as defined in s. 775.087(3) or a machine gun as



1 defined in s. 790.001(9), an additional 25 sentence points are  
2 assessed.

3

4 Sentencing multipliers:

5

6 Drug trafficking: If the primary offense is drug trafficking  
7 under s. 893.135, the subtotal sentence points are multiplied,  
8 at the discretion of the court, for a level 7 or level 8  
9 offense, by 1.5. The state attorney may move the sentencing  
10 court to reduce or suspend the sentence of a person convicted  
11 of a level 7 or level 8 offense, if the offender provides  
12 substantial assistance as described in s. 893.135(4).

13

14 Law enforcement protection: If the primary offense is a  
15 violation of the Law Enforcement Protection Act under s.  
16 775.0823(2), the subtotal sentence points are multiplied by  
17 2.5. If the primary offense is a violation of s. 775.0823(3),  
18 (4), (5), (6), (7), or (8), the subtotal sentence points are  
19 multiplied by 2.0. If the primary offense is a violation of s.  
20 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
21 Protection Act under s. 775.0823(9) or (10), the subtotal  
22 sentence points are multiplied by 1.5.

23

24 Grand theft of a motor vehicle: If the primary offense is  
25 grand theft of the third degree involving a motor vehicle and  
26 in the offender's prior record, there are three or more grand  
27 thefts of the third degree involving a motor vehicle, the  
28 subtotal sentence points are multiplied by 1.5.

29

30 Criminal street gang member: If the offender is convicted of  
31 the primary offense and is found to have been a member of a

1 criminal street gang at the time of the commission of the  
2 primary offense pursuant to s. 874.04, the subtotal sentence  
3 points are multiplied by 1.5.

4  
5 Domestic violence in the presence of a child: If the offender  
6 is convicted of the primary offense and the primary offense is  
7 a crime of domestic violence, as defined in s. 741.28, which  
8 was committed in the presence of a child under 16 years of age  
9 who is a family household member as defined in s. 741.28(2)  
10 with the victim or perpetrator, the subtotal sentence points  
11 are multiplied, at the discretion of the court, by 1.5.

12 947.146 Control Release Authority.--

13 (3) Within 120 days prior to the date the state  
14 correctional system is projected pursuant to s. 216.136 to  
15 exceed 99 percent of total capacity, the authority shall  
16 determine eligibility for and establish a control release date  
17 for an appropriate number of parole ineligible inmates  
18 committed to the department and incarcerated within the state  
19 who have been determined by the authority to be eligible for  
20 discretionary early release pursuant to this section. In  
21 establishing control release dates, it is the intent of the  
22 Legislature that the authority prioritize consideration of  
23 eligible inmates closest to their tentative release date. The  
24 authority shall rely upon commitment data on the offender  
25 information system maintained by the department to initially  
26 identify inmates who are to be reviewed for control release  
27 consideration. The authority may use a method of objective  
28 risk assessment in determining if an eligible inmate should be  
29 released. Such assessment shall be a part of the department's  
30 management information system. However, the authority shall  
31 have sole responsibility for determining control release

1 eligibility, establishing a control release date, and  
2 effectuating the release of a sufficient number of inmates to  
3 maintain the inmate population between 99 percent and 100  
4 percent of total capacity. Inmates who are ineligible for  
5 control release are inmates who are parole eligible or inmates  
6 who:

7 (b) Are serving the mandatory minimum portion of a  
8 sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);  
9

10 In making control release eligibility determinations under  
11 this subsection, the authority may rely on any document  
12 leading to or generated during the course of the criminal  
13 proceedings, including, but not limited to, any presentence or  
14 postsentence investigation or any information contained in  
15 arrest reports relating to circumstances of the offense.

16 Section 4. In order to inform the public and to deter  
17 and prevent crime in the state, the Executive Office of the  
18 Governor shall place public service announcements in visible  
19 local media throughout the state explaining the penalties  
20 provided in this act.

21 Section 5. This act shall take effect upon becoming a  
22 law.

23  
24  
25  
26  
27  
28  
29  
30  
31