

By Senator Smith

14-1099-03

1 A bill to be entitled
2 An act relating to sentencing; amending s.
3 921.16, F.S.; prohibiting a court from
4 directing that a sentence be served
5 coterminously with a sentence imposed by
6 another court, a court of another state, or a
7 federal court; removing provisions providing
8 for notification to another jurisdiction in the
9 event of a coterminous sentence; providing an
10 effective date.

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

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14 Section 1. Section 921.16, Florida Statutes, is
15 amended to read:

16 921.16 When sentences to be concurrent and when
17 consecutive.--

18 (1) A defendant convicted of two or more offenses
19 charged in the same indictment, information, or affidavit or
20 in consolidated indictments, informations, or affidavits shall
21 serve the sentences of imprisonment concurrently unless the
22 court directs that two or more of the sentences be served
23 consecutively. Sentences of imprisonment for offenses not
24 charged in the same indictment, information, or affidavit
25 shall be served consecutively unless the court directs that
26 two or more of the sentences be served concurrently. Any
27 sentence for sexual battery as defined in chapter 794 or
28 murder as defined in s. 782.04 must be imposed consecutively
29 to any other sentence for sexual battery or murder which arose
30 out of a separate criminal episode or transaction.

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1 (2) A county court or circuit court of this state may
2 direct that the sentence imposed by such court be served
3 concurrently with a sentence imposed by a court of another
4 state or of the United States or, for purposes of this
5 section, concurrently with a sentence to be imposed in another
6 jurisdiction. In such case, the Department of Corrections may
7 designate the correctional institution of the other
8 jurisdiction as the place for reception and confinement of
9 such person and may also designate the place in Florida for
10 reception and confinement of such person in the event that
11 confinement in the other jurisdiction terminates before the
12 expiration of the Florida sentence. The sheriff shall forward
13 commitment papers and other documents specified in s. 944.17
14 to the department. Upon imposing such a sentence, the court
15 shall notify the Parole Commission as to the jurisdiction in
16 which the sentence is to be served. Any prisoner so released
17 to another jurisdiction shall be eligible for consideration
18 for parole by the Parole Commission pursuant to the provisions
19 of chapter 947, except that the commission shall determine the
20 presumptive parole release date and the effective parole
21 release date by requesting such person's file from the
22 receiving jurisdiction. Upon receiving such records, the
23 commission shall determine these release dates based on the
24 relevant information in that file and shall give credit toward
25 reduction of the Florida sentence for gain-time granted by the
26 jurisdiction where the inmate is serving the sentence. The
27 Parole Commission may concur with the parole release decision
28 of the jurisdiction granting parole and accepting supervision.

29 (3) A county court or circuit court of this state may
30 not direct that the sentence imposed by such court be served
31 coterminously with a sentence imposed by another court of this

1 state or imposed by a court of another state or the United
2 States.~~In the event the court directs the Florida sentence to~~
3 ~~be coterminous as well as concurrent with a sentence in~~
4 ~~another jurisdiction, the department shall notify the other~~
5 ~~jurisdiction of the department's interest in the offender~~
6 ~~until the offender has satisfied the commitment in the other~~
7 ~~jurisdiction, or the Florida sentence has expired, whichever~~
8 ~~occurs first. This interest does not prevent or interfere with~~
9 ~~any program participation approved by the other jurisdiction,~~
10 ~~nor does it prohibit parole or any similar release granted by~~
11 ~~the other jurisdiction. If the offender is paroled by the~~
12 ~~other jurisdiction, or the sentence is otherwise interrupted~~
13 ~~prior to satisfaction, the department shall maintain an~~
14 ~~interest until supervision is terminated or the sentence has~~
15 ~~been satisfied.~~

16 Section 2. This act shall take effect October 1, 2003.

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19 SENATE SUMMARY

20 Prohibits a court from directing that a sentence be
21 served coterminously with a sentence imposed by another
22 court, a court of another state, or a federal court.

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