

By the Committee on Appropriations; and Senators Smith and Argenziano

309-2436-03

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

16 Section 2. This act shall take effect October 1, 2003,  
17 and shall apply to offenses committed on or after that date.

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
20 COMMITTEE SUBSTITUTE FOR  
21 Senate Bill 2046

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23 The Committee Substitute removes a reference to federal courts  
24 in coterminous sentencing.

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