

By the Committee on Criminal Justice; and Senator Bogdanoff

591-03243-11

20111334c1

1                                   A bill to be entitled  
2           An act relating to sentences of inmates; amending s.  
3           893.135, F.S.; removing all references to imposing  
4           mandatory minimum sentences for defendants convicted  
5           of trafficking in controlled substances; amending s.  
6           945.091, F.S.; providing legislative intent to  
7           encourage the Department of Corrections, to the extent  
8           possible, to place inmates in the community to perform  
9           paid employment for community work; providing that an  
10          inmate may leave the confinement of prison to  
11          participate in a supervised reentry program in which  
12          the inmate is housed in the community while working at  
13          paid employment or participating in other programs  
14          that are approved by the department; requiring the  
15          inmate to live at a department-approved residence  
16          while participating in the supervised reentry program;  
17          specifying the conditions for participating in the  
18          supervised reentry program; requiring that the  
19          department adopt rules to operate the supervised  
20          reentry program; providing legislative intent to  
21          encourage the department to place inmates in paid  
22          employment in the community for not less than 6 months  
23          before the inmate's sentence expires; defining the  
24          terms "department" and "nonviolent offender";  
25          directing the Department of Corrections to develop and  
26          administer a reentry program for nonviolent offenders  
27          which is intended to divert nonviolent offenders from  
28          long periods of incarceration; requiring that the  
29          program include intensive substance abuse treatment

591-03243-11

20111334c1

30 and rehabilitative programming; providing for the  
31 minimum length of service in the program; providing  
32 that any portion of a sentence before placement in the  
33 program does not count as progress toward program  
34 completion; specifying eligibility criteria for a  
35 nonviolent offender to be placed into the reentry  
36 program; directing the department to notify the  
37 nonviolent offender's sentencing court to obtain  
38 approval before the nonviolent offender is placed into  
39 the reentry program; requiring the department to  
40 notify the state attorney; authorizing the state  
41 attorney to file objections to placing the offender  
42 into the reentry program within a specified period;  
43 requiring the sentencing court to notify the  
44 department of the court's decision to approve or  
45 disapprove the requested placement within a specified  
46 period; providing that failure of the court to timely  
47 notify the department of the court's decision  
48 constitutes approval by the requested placement;  
49 requiring the nonviolent offender to undergo an  
50 education assessment and a full substance abuse  
51 assessment if admitted into the reentry program;  
52 requiring the offender to be enrolled in an adult  
53 education program in specified circumstances;  
54 requiring that assessments of vocational skills and  
55 future career education be provided to the offender;  
56 requiring that certain reevaluation be made  
57 periodically; providing that the nonviolent offender  
58 is subject to the disciplinary rules of the

591-03243-11

20111334c1

59 department; specifying the reasons for which the  
60 offender may be terminated from the reentry program;  
61 requiring that the department submit a report to the  
62 sentencing court at least 30 days before the  
63 nonviolent offender is scheduled to complete the  
64 reentry program; setting forth the issues to be  
65 addressed in the report; requiring the sentencing  
66 court to issue an order modifying the sentence imposed  
67 and place the nonviolent offender on drug offender  
68 probation if the nonviolent offender's performance is  
69 satisfactory; authorizing the court to revoke  
70 probation and impose the original sentence in  
71 specified circumstances; authorizing the court to  
72 require the offender to complete a postadjudicatory  
73 drug court program in specified circumstances;  
74 directing the department to implement the reentry  
75 program using available resources; requiring the  
76 department to submit an annual report to the Governor  
77 and Legislature detailing the extent of implementation  
78 of the reentry program and outlining future goals and  
79 recommendations; authorizing the department to enter  
80 into contracts with qualified individuals, agencies,  
81 or corporations for services for the reentry program;  
82 authorizing the department to impose administrative or  
83 protective confinement as necessary; authorizing the  
84 department to establish a system of incentives within  
85 the reentry program which the department may use to  
86 promote participation in rehabilitative programs and  
87 the orderly operation of institutions and facilities;

591-03243-11

20111334c1

88 directing the department to develop a system for  
89 tracking recidivism, including, but not limited to,  
90 rearrests and recommitment of nonviolent offenders who  
91 successfully complete the reentry program, and to  
92 report on recidivism in its annual report of the  
93 program; directing the department to adopt rules;  
94 amending s. 944.275, F.S.; authorizing the Department  
95 of Corrections to grant up to 10 days per month of  
96 incentive gain-time applicable to sentences imposed  
97 for offenses committed on or after a specified date;  
98 providing an exception under certain circumstances;  
99 reenacting s. 775.084(4)(k), F.S., relating to violent  
100 career criminals, to incorporate the amendment made to  
101 s. 944.275, F.S., in a reference thereto; providing an  
102 effective date.

103  
104 Be It Enacted by the Legislature of the State of Florida:

105  
106 Section 1. Section 893.135, Florida Statutes, is amended to  
107 read:

108 893.135 Trafficking; ~~mandatory sentences;~~ suspension or  
109 reduction of sentences; conspiracy to engage in trafficking.—

110 (1) Except as authorized in this chapter or in chapter 499  
111 and notwithstanding the provisions of s. 893.13:

112 (a) Any person who knowingly sells, purchases,  
113 manufactures, delivers, or brings into this state, or who is  
114 knowingly in actual or constructive possession of, in excess of  
115 25 pounds of cannabis, or 300 or more cannabis plants, commits a  
116 felony of the first degree, which felony shall be known as

591-03243-11

20111334c1

117 "trafficking in cannabis," punishable as provided in s. 775.082,  
118 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

119 1. Is in excess of 25 pounds, but less than 2,000 pounds,  
120 or is 300 or more cannabis plants, but not more than 2,000  
121 cannabis plants, such person shall be ~~sentenced to a mandatory~~  
122 ~~minimum term of imprisonment of 3 years, and the defendant shall~~  
123 ~~be~~ ordered to pay a fine of \$25,000.

124 2. Is 2,000 pounds or more, but less than 10,000 pounds, or  
125 is 2,000 or more cannabis plants, but not more than 10,000  
126 cannabis plants, such person shall be ~~sentenced to a mandatory~~  
127 ~~minimum term of imprisonment of 7 years, and the defendant shall~~  
128 ~~be~~ ordered to pay a fine of \$50,000.

129 3. Is 10,000 pounds or more, or is 10,000 or more cannabis  
130 plants, such person shall be ordered ~~sentenced to a mandatory~~  
131 ~~minimum term of imprisonment of 15 calendar years and pay a fine~~  
132 of \$200,000.

133

134 For the purpose of this paragraph, a plant, including, but not  
135 limited to, a seedling or cutting, is a "cannabis plant" if it  
136 has some readily observable evidence of root formation, such as  
137 root hairs. To determine if a piece or part of a cannabis plant  
138 severed from the cannabis plant is itself a cannabis plant, the  
139 severed piece or part must have some readily observable evidence  
140 of root formation, such as root hairs. Callous tissue is not  
141 readily observable evidence of root formation. The viability and  
142 sex of a plant and the fact that the plant may or may not be a  
143 dead harvested plant are not relevant in determining if the  
144 plant is a "cannabis plant" or in the charging of an offense  
145 under this paragraph. Upon conviction, the court shall impose

591-03243-11

20111334c1

146 the longest term of imprisonment provided for in this paragraph.

147 (b)1. Any person who knowingly sells, purchases,  
148 manufactures, delivers, or brings into this state, or who is  
149 knowingly in actual or constructive possession of, 28 grams or  
150 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
151 mixture containing cocaine, but less than 150 kilograms of  
152 cocaine or any such mixture, commits a felony of the first  
153 degree, which felony shall be known as "trafficking in cocaine,"  
154 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
155 If the quantity involved:

156 a. Is 28 grams or more, but less than 200 grams, such  
157 person shall be ~~sentenced to a mandatory minimum term of~~  
158 ~~imprisonment of 3 years, and the defendant shall be~~ ordered to  
159 pay a fine of \$50,000.

160 b. Is 200 grams or more, but less than 400 grams, such  
161 person shall be ~~sentenced to a mandatory minimum term of~~  
162 ~~imprisonment of 7 years, and the defendant shall be~~ ordered to  
163 pay a fine of \$100,000.

164 c. Is 400 grams or more, but less than 150 kilograms, such  
165 person shall be ordered ~~sentenced to a mandatory minimum term of~~  
166 ~~imprisonment of 15 calendar years and~~ pay a fine of \$250,000.

167 2. Any person who knowingly sells, purchases, manufactures,  
168 delivers, or brings into this state, or who is knowingly in  
169 actual or constructive possession of, 150 kilograms or more of  
170 cocaine, as described in s. 893.03(2)(a)4., commits the first  
171 degree felony of trafficking in cocaine. ~~A person who has been~~  
172 ~~convicted of the first degree felony of trafficking in cocaine~~  
173 ~~under this subparagraph shall be punished by life imprisonment~~  
174 ~~and is ineligible for any form of discretionary early release~~

591-03243-11

20111334c1

175 ~~except pardon or executive clemency or conditional medical~~  
176 ~~release under s. 947.149.~~ However, if the court determines that,  
177 in addition to committing any act specified in this paragraph:

178 a. The person intentionally killed an individual or  
179 counseled, commanded, induced, procured, or caused the  
180 intentional killing of an individual and such killing was the  
181 result; or

182 b. The person's conduct in committing that act led to a  
183 natural, though not inevitable, lethal result,

184

185 such person commits the capital felony of trafficking in  
186 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
187 person sentenced for a capital felony under this paragraph shall  
188 also be sentenced to pay the maximum fine provided under  
189 subparagraph 1.

190 3. Any person who knowingly brings into this state 300  
191 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
192 and who knows that the probable result of such importation would  
193 be the death of any person, commits capital importation of  
194 cocaine, a capital felony punishable as provided in ss. 775.082  
195 and 921.142. Any person sentenced for a capital felony under  
196 this paragraph shall also be sentenced to pay the maximum fine  
197 provided under subparagraph 1.

198 (c)1. Any person who knowingly sells, purchases,  
199 manufactures, delivers, or brings into this state, or who is  
200 knowingly in actual or constructive possession of, 4 grams or  
201 more of any morphine, opium, oxycodone, hydrocodone,  
202 hydromorphone, or any salt, derivative, isomer, or salt of an  
203 isomer thereof, including heroin, as described in s.

591-03243-11

20111334c1

204 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more  
205 of any mixture containing any such substance, but less than 30  
206 kilograms of such substance or mixture, commits a felony of the  
207 first degree, which felony shall be known as "trafficking in  
208 illegal drugs," punishable as provided in s. 775.082, s.  
209 775.083, or s. 775.084. If the quantity involved:

210 a. Is 4 grams or more, but less than 14 grams, such person  
211 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
212 ~~of 3 years, and the defendant shall be ordered to pay a fine of~~  
213 \$50,000.

214 b. Is 14 grams or more, but less than 28 grams, such person  
215 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
216 ~~of 15 years, and the defendant shall be ordered to pay a fine of~~  
217 \$100,000.

218 c. Is 28 grams or more, but less than 30 kilograms, such  
219 person shall be ordered ~~sentenced to a mandatory minimum term of~~  
220 ~~imprisonment of 25 calendar years and pay a fine of \$500,000.~~

221 2. Any person who knowingly sells, purchases, manufactures,  
222 delivers, or brings into this state, or who is knowingly in  
223 actual or constructive possession of, 30 kilograms or more of  
224 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or  
225 any salt, derivative, isomer, or salt of an isomer thereof,  
226 including heroin, as described in s. 893.03(1)(b), (2)(a),  
227 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture  
228 containing any such substance, commits the first degree felony  
229 of trafficking in illegal drugs. ~~A person who has been convicted~~  
230 ~~of the first degree felony of trafficking in illegal drugs under~~  
231 ~~this subparagraph shall be punished by life imprisonment and is~~  
232 ~~ineligible for any form of discretionary early release except~~



591-03243-11

20111334c1

233 ~~pardon or executive clemency or conditional medical release~~  
234 ~~under s. 947.149.~~ However, if the court determines that, in  
235 addition to committing any act specified in this paragraph:

236 a. The person intentionally killed an individual or  
237 counseled, commanded, induced, procured, or caused the  
238 intentional killing of an individual and such killing was the  
239 result; or

240 b. The person's conduct in committing that act led to a  
241 natural, though not inevitable, lethal result,

242

243 such person commits the capital felony of trafficking in illegal  
244 drugs, punishable as provided in ss. 775.082 and 921.142. Any  
245 person sentenced for a capital felony under this paragraph shall  
246 also be sentenced to pay the maximum fine provided under  
247 subparagraph 1.

248 3. Any person who knowingly brings into this state 60  
249 kilograms or more of any morphine, opium, oxycodone,  
250 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
251 salt of an isomer thereof, including heroin, as described in s.  
252 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
253 more of any mixture containing any such substance, and who knows  
254 that the probable result of such importation would be the death  
255 of any person, commits capital importation of illegal drugs, a  
256 capital felony punishable as provided in ss. 775.082 and  
257 921.142. Any person sentenced for a capital felony under this  
258 paragraph shall also be sentenced to pay the maximum fine  
259 provided under subparagraph 1.

260 (d)1. Any person who knowingly sells, purchases,  
261 manufactures, delivers, or brings into this state, or who is

591-03243-11

20111334c1

262 knowingly in actual or constructive possession of, 28 grams or  
263 more of phencyclidine or of any mixture containing  
264 phencyclidine, as described in s. 893.03(2)(b), commits a felony  
265 of the first degree, which felony shall be known as "trafficking  
266 in phencyclidine," punishable as provided in s. 775.082, s.  
267 775.083, or s. 775.084. If the quantity involved:

268 a. Is 28 grams or more, but less than 200 grams, such  
269 person shall be ~~sentenced to a mandatory minimum term of~~  
270 ~~imprisonment of 3 years, and the defendant shall be~~ ordered to  
271 pay a fine of \$50,000.

272 b. Is 200 grams or more, but less than 400 grams, such  
273 person shall be ~~sentenced to a mandatory minimum term of~~  
274 ~~imprisonment of 7 years, and the defendant shall be~~ ordered to  
275 pay a fine of \$100,000.

276 c. Is 400 grams or more, such person shall be ordered  
277 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
278 ~~calendar years and~~ pay a fine of \$250,000.

279 2. Any person who knowingly brings into this state 800  
280 grams or more of phencyclidine or of any mixture containing  
281 phencyclidine, as described in s. 893.03(2)(b), and who knows  
282 that the probable result of such importation would be the death  
283 of any person commits capital importation of phencyclidine, a  
284 capital felony punishable as provided in ss. 775.082 and  
285 921.142. Any person sentenced for a capital felony under this  
286 paragraph shall also be sentenced to pay the maximum fine  
287 provided under subparagraph 1.

288 (e)1. Any person who knowingly sells, purchases,  
289 manufactures, delivers, or brings into this state, or who is  
290 knowingly in actual or constructive possession of, 200 grams or

591-03243-11

20111334c1

291 more of methaqualone or of any mixture containing methaqualone,  
292 as described in s. 893.03(1)(d), commits a felony of the first  
293 degree, which felony shall be known as "trafficking in  
294 methaqualone," punishable as provided in s. 775.082, s. 775.083,  
295 or s. 775.084. If the quantity involved:

296 a. Is 200 grams or more, but less than 5 kilograms, such  
297 person shall be ~~sentenced to a mandatory minimum term of~~  
298 ~~imprisonment of 3 years, and the defendant shall be~~ ordered to  
299 pay a fine of \$50,000.

300 b. Is 5 kilograms or more, but less than 25 kilograms, such  
301 person shall be ~~sentenced to a mandatory minimum term of~~  
302 ~~imprisonment of 7 years, and the defendant shall be~~ ordered to  
303 pay a fine of \$100,000.

304 c. Is 25 kilograms or more, such person shall be ordered  
305 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
306 ~~calendar years and~~ pay a fine of \$250,000.

307 2. Any person who knowingly brings into this state 50  
308 kilograms or more of methaqualone or of any mixture containing  
309 methaqualone, as described in s. 893.03(1)(d), and who knows  
310 that the probable result of such importation would be the death  
311 of any person commits capital importation of methaqualone, a  
312 capital felony punishable as provided in ss. 775.082 and  
313 921.142. Any person sentenced for a capital felony under this  
314 paragraph shall also be sentenced to pay the maximum fine  
315 provided under subparagraph 1.

316 (f)1. Any person who knowingly sells, purchases,  
317 manufactures, delivers, or brings into this state, or who is  
318 knowingly in actual or constructive possession of, 14 grams or  
319 more of amphetamine, as described in s. 893.03(2)(c)2., or

591-03243-11

20111334c1

320 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
321 mixture containing amphetamine or methamphetamine, or  
322 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
323 in conjunction with other chemicals and equipment utilized in  
324 the manufacture of amphetamine or methamphetamine, commits a  
325 felony of the first degree, which felony shall be known as  
326 "trafficking in amphetamine," punishable as provided in s.  
327 775.082, s. 775.083, or s. 775.084. If the quantity involved:

328       a. Is 14 grams or more, but less than 28 grams, such person  
329 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
330 ~~of 3 years, and the defendant shall be ordered to pay a fine of~~  
331 ~~\$50,000.~~

332       b. Is 28 grams or more, but less than 200 grams, such  
333 person shall be ~~sentenced to a mandatory minimum term of~~  
334 ~~imprisonment of 7 years, and the defendant shall be ordered to~~  
335 ~~pay a fine of \$100,000.~~

336       c. Is 200 grams or more, such person shall be ordered  
337 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
338 ~~calendar years and pay a fine of \$250,000.~~

339       2. Any person who knowingly manufactures or brings into  
340 this state 400 grams or more of amphetamine, as described in s.  
341 893.03(2)(c)2., or methamphetamine, as described in s.  
342 893.03(2)(c)4., or of any mixture containing amphetamine or  
343 methamphetamine, or phenylacetone, phenylacetic acid,  
344 pseudoephedrine, or ephedrine in conjunction with other  
345 chemicals and equipment used in the manufacture of amphetamine  
346 or methamphetamine, and who knows that the probable result of  
347 such manufacture or importation would be the death of any person  
348 commits capital manufacture or importation of amphetamine, a

591-03243-11

20111334c1

349 capital felony punishable as provided in ss. 775.082 and  
350 921.142. Any person sentenced for a capital felony under this  
351 paragraph shall also be sentenced to pay the maximum fine  
352 provided under subparagraph 1.

353 (g)1. Any person who knowingly sells, purchases,  
354 manufactures, delivers, or brings into this state, or who is  
355 knowingly in actual or constructive possession of, 4 grams or  
356 more of flunitrazepam or any mixture containing flunitrazepam as  
357 described in s. 893.03(1)(a) commits a felony of the first  
358 degree, which felony shall be known as "trafficking in  
359 flunitrazepam," punishable as provided in s. 775.082, s.  
360 775.083, or s. 775.084. If the quantity involved:

361 a. Is 4 grams or more but less than 14 grams, such person  
362 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
363 ~~of 3 years, and the defendant shall be ordered to pay a fine of~~  
364 \$50,000.

365 b. Is 14 grams or more but less than 28 grams, such person  
366 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
367 ~~of 7 years, and the defendant shall be ordered to pay a fine of~~  
368 \$100,000.

369 c. Is 28 grams or more but less than 30 kilograms, such  
370 person shall be ordered sentenced to a ~~mandatory minimum term of~~  
371 ~~imprisonment of 25 calendar years and pay a fine of \$500,000.~~

372 2. Any person who knowingly sells, purchases, manufactures,  
373 delivers, or brings into this state or who is knowingly in  
374 actual or constructive possession of 30 kilograms or more of  
375 flunitrazepam or any mixture containing flunitrazepam as  
376 described in s. 893.03(1)(a) commits the first degree felony of  
377 trafficking in flunitrazepam. ~~A person who has been convicted of~~

591-03243-11

20111334c1

378 ~~the first degree felony of trafficking in flunitrazepam under~~  
379 ~~this subparagraph shall be punished by life imprisonment and is~~  
380 ~~ineligible for any form of discretionary early release except~~  
381 ~~pardon or executive clemency or conditional medical release~~  
382 ~~under s. 947.149.~~ However, if the court determines that, in  
383 addition to committing any act specified in this paragraph:

384 a. The person intentionally killed an individual or  
385 counseled, commanded, induced, procured, or caused the  
386 intentional killing of an individual and such killing was the  
387 result; or

388 b. The person's conduct in committing that act led to a  
389 natural, though not inevitable, lethal result,

390

391 such person commits the capital felony of trafficking in  
392 flunitrazepam, punishable as provided in ss. 775.082 and  
393 921.142. Any person sentenced for a capital felony under this  
394 paragraph shall also be sentenced to pay the maximum fine  
395 provided under subparagraph 1.

396 (h)1. Any person who knowingly sells, purchases,  
397 manufactures, delivers, or brings into this state, or who is  
398 knowingly in actual or constructive possession of, 1 kilogram or  
399 more of gamma-hydroxybutyric acid (GHB), as described in s.  
400 893.03(1)(d), or any mixture containing gamma-hydroxybutyric  
401 acid (GHB), commits a felony of the first degree, which felony  
402 shall be known as "trafficking in gamma-hydroxybutyric acid  
403 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.  
404 775.084. If the quantity involved:

405 a. Is 1 kilogram or more but less than 5 kilograms, such  
406 person shall be ~~sentenced to a mandatory minimum term of~~

591-03243-11

20111334c1

407 ~~imprisonment of 3 years, and the defendant shall be~~ ordered to  
408 pay a fine of \$50,000.

409 b. Is 5 kilograms or more but less than 10 kilograms, such  
410 person shall be ~~sentenced to a mandatory minimum term of~~  
411 ~~imprisonment of 7 years, and the defendant shall be~~ ordered to  
412 pay a fine of \$100,000.

413 c. Is 10 kilograms or more, such person shall be ordered  
414 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
415 ~~calendar years and~~ pay a fine of \$250,000.

416 2. Any person who knowingly manufactures or brings into  
417 this state 150 kilograms or more of gamma-hydroxybutyric acid  
418 (GHB), as described in s. 893.03(1)(d), or any mixture  
419 containing gamma-hydroxybutyric acid (GHB), and who knows that  
420 the probable result of such manufacture or importation would be  
421 the death of any person commits capital manufacture or  
422 importation of gamma-hydroxybutyric acid (GHB), a capital felony  
423 punishable as provided in ss. 775.082 and 921.142. Any person  
424 sentenced for a capital felony under this paragraph shall also  
425 be sentenced to pay the maximum fine provided under subparagraph  
426 1.

427 (i)1. Any person who knowingly sells, purchases,  
428 manufactures, delivers, or brings into this state, or who is  
429 knowingly in actual or constructive possession of, 1 kilogram or  
430 more of gamma-butyrolactone (GBL), as described in s.  
431 893.03(1)(d), or any mixture containing gamma-butyrolactone  
432 (GBL), commits a felony of the first degree, which felony shall  
433 be known as "trafficking in gamma-butyrolactone (GBL),"  
434 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
435 If the quantity involved:

591-03243-11

20111334c1

436 a. Is 1 kilogram or more but less than 5 kilograms, such  
437 person shall be ~~sentenced to a mandatory minimum term of~~  
438 ~~imprisonment of 3 years, and the defendant shall be~~ ordered to  
439 pay a fine of \$50,000.

440 b. Is 5 kilograms or more but less than 10 kilograms, such  
441 person shall be ~~sentenced to a mandatory minimum term of~~  
442 ~~imprisonment of 7 years, and the defendant shall be~~ ordered to  
443 pay a fine of \$100,000.

444 c. Is 10 kilograms or more, such person shall be ordered  
445 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
446 ~~calendar years and~~ pay a fine of \$250,000.

447 2. Any person who knowingly manufactures or brings into the  
448 state 150 kilograms or more of gamma-butyrolactone (GBL), as  
449 described in s. 893.03(1)(d), or any mixture containing gamma-  
450 butyrolactone (GBL), and who knows that the probable result of  
451 such manufacture or importation would be the death of any person  
452 commits capital manufacture or importation of gamma-  
453 butyrolactone (GBL), a capital felony punishable as provided in  
454 ss. 775.082 and 921.142. Any person sentenced for a capital  
455 felony under this paragraph shall also be sentenced to pay the  
456 maximum fine provided under subparagraph 1.

457 (j)1. Any person who knowingly sells, purchases,  
458 manufactures, delivers, or brings into this state, or who is  
459 knowingly in actual or constructive possession of, 1 kilogram or  
460 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of  
461 any mixture containing 1,4-Butanediol, commits a felony of the  
462 first degree, which felony shall be known as "trafficking in  
463 1,4-Butanediol," punishable as provided in s. 775.082, s.  
464 775.083, or s. 775.084. If the quantity involved:



591-03243-11

20111334c1

465 a. Is 1 kilogram or more, but less than 5 kilograms, such  
466 person shall be ~~sentenced to a mandatory minimum term of~~  
467 ~~imprisonment of 3 years, and the defendant shall be~~ ordered to  
468 pay a fine of \$50,000.

469 b. Is 5 kilograms or more, but less than 10 kilograms, such  
470 person shall be ~~sentenced to a mandatory minimum term of~~  
471 ~~imprisonment of 7 years, and the defendant shall be~~ ordered to  
472 pay a fine of \$100,000.

473 c. Is 10 kilograms or more, such person shall be ordered  
474 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
475 ~~calendar years and~~ pay a fine of \$500,000.

476 2. Any person who knowingly manufactures or brings into  
477 this state 150 kilograms or more of 1,4-Butanediol as described  
478 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,  
479 and who knows that the probable result of such manufacture or  
480 importation would be the death of any person commits capital  
481 manufacture or importation of 1,4-Butanediol, a capital felony  
482 punishable as provided in ss. 775.082 and 921.142. Any person  
483 sentenced for a capital felony under this paragraph shall also  
484 be sentenced to pay the maximum fine provided under subparagraph  
485 1.

486 (k)1. Any person who knowingly sells, purchases,  
487 manufactures, delivers, or brings into this state, or who is  
488 knowingly in actual or constructive possession of, 10 grams or  
489 more of any of the following substances described in s.  
490 893.03(1)(a) or (c):

- 491 a. 3,4-Methylenedioxymethamphetamine (MDMA);  
492 b. 4-Bromo-2,5-dimethoxyamphetamine;  
493 c. 4-Bromo-2,5-dimethoxyphenethylamine;

591-03243-11

20111334c1

- 494 d. 2,5-Dimethoxyamphetamine;  
495 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);  
496 f. N-ethylamphetamine;  
497 g. N-Hydroxy-3,4-methylenedioxyamphetamine;  
498 h. 5-Methoxy-3,4-methylenedioxyamphetamine;  
499 i. 4-methoxyamphetamine;  
500 j. 4-methoxymethamphetamine;  
501 k. 4-Methyl-2,5-dimethoxyamphetamine;  
502 l. 3,4-Methylenedioxy-N-ethylamphetamine;  
503 m. 3,4-Methylenedioxyamphetamine;  
504 n. N,N-dimethylamphetamine; or  
505 o. 3,4,5-Trimethoxyamphetamine,  
506

507 individually or in any combination of or any mixture containing  
508 any substance listed in sub-subparagraphs a.-o., commits a  
509 felony of the first degree, which felony shall be known as  
510 "trafficking in Phenethylamines," punishable as provided in s.  
511 775.082, s. 775.083, or s. 775.084.

512 2. If the quantity involved:

513 a. Is 10 grams or more but less than 200 grams, such person  
514 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
515 ~~of 3 years, and the defendant shall be ordered to pay a fine of~~  
516 \$50,000.

517 b. Is 200 grams or more, but less than 400 grams, such  
518 person shall be ~~sentenced to a mandatory minimum term of~~  
519 ~~imprisonment of 7 years, and the defendant shall be ordered to~~  
520 pay a fine of \$100,000.

521 c. Is 400 grams or more, such person shall be ordered  
522 ~~sentenced to a mandatory minimum term of imprisonment of 15~~

591-03243-11

20111334c1

523 ~~calendar years and~~ pay a fine of \$250,000.

524 3. Any person who knowingly manufactures or brings into  
525 this state 30 kilograms or more of any of the following  
526 substances described in s. 893.03(1) (a) or (c):

- 527 a. 3,4-Methylenedioxymethamphetamine (MDMA);  
528 b. 4-Bromo-2,5-dimethoxyamphetamine;  
529 c. 4-Bromo-2,5-dimethoxyphenethylamine;  
530 d. 2,5-Dimethoxyamphetamine;  
531 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);  
532 f. N-ethylamphetamine;  
533 g. N-Hydroxy-3,4-methylenedioxyamphetamine;  
534 h. 5-Methoxy-3,4-methylenedioxyamphetamine;  
535 i. 4-methoxyamphetamine;  
536 j. 4-methoxymethamphetamine;  
537 k. 4-Methyl-2,5-dimethoxyamphetamine;  
538 l. 3,4-Methylenedioxy-N-ethylamphetamine;  
539 m. 3,4-Methylenedioxyamphetamine;  
540 n. N,N-dimethylamphetamine; or  
541 o. 3,4,5-Trimethoxyamphetamine,

542

543 individually or in any combination of or any mixture containing  
544 any substance listed in sub-subparagraphs a.-o., and who knows  
545 that the probable result of such manufacture or importation  
546 would be the death of any person commits capital manufacture or  
547 importation of Phenethylamines, a capital felony punishable as  
548 provided in ss. 775.082 and 921.142. Any person sentenced for a  
549 capital felony under this paragraph shall also be sentenced to  
550 pay the maximum fine provided under subparagraph 1.

551 (1)1. Any person who knowingly sells, purchases,

591-03243-11

20111334c1

552 manufactures, delivers, or brings into this state, or who is  
553 knowingly in actual or constructive possession of, 1 gram or  
554 more of lysergic acid diethylamide (LSD) as described in s.  
555 893.03(1)(c), or of any mixture containing lysergic acid  
556 diethylamide (LSD), commits a felony of the first degree, which  
557 felony shall be known as "trafficking in lysergic acid  
558 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
559 775.083, or s. 775.084. If the quantity involved:

560 a. Is 1 gram or more, but less than 5 grams, such person  
561 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
562 ~~of 3 years, and the defendant shall be ordered to pay a fine of~~  
563 \$50,000.

564 b. Is 5 grams or more, but less than 7 grams, such person  
565 shall be ~~sentenced to a mandatory minimum term of imprisonment~~  
566 ~~of 7 years, and the defendant shall be ordered to pay a fine of~~  
567 \$100,000.

568 c. Is 7 grams or more, such person shall be ordered  
569 ~~sentenced to a mandatory minimum term of imprisonment of 15~~  
570 ~~calendar years and pay a fine of \$500,000.~~

571 2. Any person who knowingly manufactures or brings into  
572 this state 7 grams or more of lysergic acid diethylamide (LSD)  
573 as described in s. 893.03(1)(c), or any mixture containing  
574 lysergic acid diethylamide (LSD), and who knows that the  
575 probable result of such manufacture or importation would be the  
576 death of any person commits capital manufacture or importation  
577 of lysergic acid diethylamide (LSD), a capital felony punishable  
578 as provided in ss. 775.082 and 921.142. Any person sentenced for  
579 a capital felony under this paragraph shall also be sentenced to  
580 pay the maximum fine provided under subparagraph 1.

591-03243-11

20111334c1

581 (2) A person acts knowingly under subsection (1) if that  
582 person intends to sell, purchase, manufacture, deliver, or bring  
583 into this state, or to actually or constructively possess, any  
584 of the controlled substances listed in subsection (1),  
585 regardless of which controlled substance listed in subsection  
586 (1) is in fact sold, purchased, manufactured, delivered, or  
587 brought into this state, or actually or constructively  
588 possessed.

589 (3) Notwithstanding the provisions of s. 948.01, with  
590 respect to any person who is found to have violated this  
591 section, adjudication of guilt or imposition of sentence shall  
592 not be suspended, deferred, or withheld, ~~nor shall such person~~  
593 ~~be eligible for parole prior to serving the mandatory minimum~~  
594 ~~term of imprisonment prescribed by this section. A person~~  
595 ~~sentenced to a mandatory minimum term of imprisonment under this~~  
596 ~~section is not eligible for any form of discretionary early~~  
597 ~~release, except pardon or executive clemency or conditional~~  
598 ~~medical release under s. 947.149, prior to serving the mandatory~~  
599 ~~minimum term of imprisonment.~~

600 (4) The state attorney may move the sentencing court to  
601 reduce or suspend the sentence of any person who is convicted of  
602 a violation of this section and who provides substantial  
603 assistance in the identification, arrest, or conviction of any  
604 of that person's accomplices, accessories, coconspirators, or  
605 principals or of any other person engaged in trafficking in  
606 controlled substances. The arresting agency shall be given an  
607 opportunity to be heard in aggravation or mitigation in  
608 reference to any such motion. Upon good cause shown, the motion  
609 may be filed and heard in camera. The judge hearing the motion

591-03243-11

20111334c1

610 may reduce or suspend, defer, or withhold the sentence or  
611 adjudication of guilt if the judge finds that the defendant  
612 rendered such substantial assistance.

613 (5) Any person who agrees, conspires, combines, or  
614 confederates with another person to commit any act prohibited by  
615 subsection (1) commits a felony of the first degree and is  
616 punishable as if he or she had actually committed such  
617 prohibited act. Nothing in this subsection shall be construed to  
618 prohibit separate convictions and sentences for a violation of  
619 this subsection and any violation of subsection (1).

620 (6) A mixture, as defined in s. 893.02, containing any  
621 controlled substance described in this section includes, but is  
622 not limited to, a solution or a dosage unit, including but not  
623 limited to, a pill or tablet, containing a controlled substance.  
624 For the purpose of clarifying legislative intent regarding the  
625 weighing of a mixture containing a controlled substance  
626 described in this section, the weight of the controlled  
627 substance is the total weight of the mixture, including the  
628 controlled substance and any other substance in the mixture.  
629 However, if the mixture is a prescription drug as defined in s.  
630 499.003(43) and the weight of the controlled substance can be  
631 identified using the national drug code, the weight of the  
632 controlled substance may not include any other substance in the  
633 mixture. If there is more than one mixture containing the same  
634 controlled substance, the weight of the controlled substance is  
635 calculated by aggregating the total weight of each mixture.

636 (7) For the purpose of further clarifying legislative  
637 intent, the Legislature finds that the opinion in *Hayes v.*  
638 *State*, 750 So. 2d 1 (Fla. 1999) does not correctly construe

591-03243-11

20111334c1

639 legislative intent. The Legislature finds that the opinions in  
640 *State v. Hayes*, 720 So. 2d 1095 (Fla. 4th DCA 1998) and *State v.*  
641 *Baxley*, 684 So. 2d 831 (Fla. 5th DCA 1996) correctly construe  
642 legislative intent.

643 Section 2. Section 945.091, Florida Statutes, is amended to  
644 read:

645 945.091 Extension of the limits of confinement; supervised  
646 reentry; restitution by employed inmates.-

647 (1) The department may adopt rules permitting the extension  
648 of the limits of the place of confinement of an inmate as to  
649 whom there is reasonable cause to believe that the inmate will  
650 honor his or her trust by authorizing the inmate, under  
651 prescribed conditions and following investigation, risk  
652 assessment, and approval by the secretary, or the secretary's  
653 designee, who shall maintain a written record of such action, to  
654 leave the confines of that place unaccompanied by a custodial  
655 agent for a prescribed period of time to:

656 (a) Visit, for a specified period, a specifically  
657 designated place or places:

658 1. For the purpose of visiting a dying relative, attending  
659 the funeral of a relative, or arranging for employment or for a  
660 suitable residence for use when released;

661 2. To otherwise aid in the rehabilitation of the inmate and  
662 his or her successful transition into the community; or

663 3. For another compelling reason consistent with the public  
664 interest,

665

666 and return to the same or another institution or facility  
667 designated by the department ~~of Corrections~~.

591-03243-11

20111334c1

668 (b) Work at paid employment, participate in an education or  
669 a training program, or voluntarily serve a public or nonprofit  
670 agency or faith-based service group in the community, while  
671 continuing as an inmate of the institution or facility in which  
672 the inmate is confined, except during the hours of his or her  
673 employment, education, training, or service and traveling  
674 thereto and therefrom. An inmate may travel to and from his or  
675 her place of employment, education, or training only by means of  
676 walking, bicycling, or using public transportation or  
677 transportation that is provided by a family member or employer.  
678 Contingent upon specific appropriations, the department may  
679 transport an inmate in a state-owned vehicle if the inmate is  
680 unable to obtain other means of travel to his or her place of  
681 employment, education, or training.

682 1. An inmate may participate in paid employment only during  
683 the last 36 months of his or her confinement, unless sooner  
684 requested by the Parole Commission or the Control Release  
685 Authority. To the extent possible, the department shall place  
686 inmates in the community to perform paid employment.

687 2. While working at paid employment and residing in the  
688 facility, an inmate may apply for placement at a contracted  
689 substance abuse transition housing program. The transition  
690 assistance specialist shall inform the inmate of program  
691 availability and assess the inmate's need and suitability for  
692 transition housing assistance. If an inmate is approved for  
693 placement, the specialist shall assist the inmate. If an inmate  
694 requests and is approved for placement in a contracted faith-  
695 based substance abuse transition housing program, the specialist  
696 must consult with the chaplain before ~~prior to~~ such placement.



591-03243-11

20111334c1

697 The department shall ensure that an inmate's faith orientation,  
698 or lack thereof, will not be considered in determining admission  
699 to a faith-based program and that the program does not attempt  
700 to convert an inmate toward a particular faith or religious  
701 preference.

702 (c) Participate in a residential or nonresidential  
703 rehabilitative program operated by a public or private ~~nonprofit~~  
704 agency, including faith-based service groups, with which the  
705 department has contracted for the treatment of the ~~such~~ inmate.  
706 Sections ~~The provisions of ss.~~ 216.311 and 287.057 ~~shall~~ apply  
707 to all contracts between the department and any private entity  
708 providing such services. The department shall require the ~~such~~  
709 agency to provide appropriate supervision of inmates  
710 participating in the ~~such~~ program. The department is authorized  
711 to terminate any inmate's participation in the program if the  
712 ~~such~~ inmate fails to demonstrate satisfactory progress in the  
713 program as established by departmental rules.

714 (d) Participate in a supervised reentry program in which  
715 the inmate is housed in the community while working at paid  
716 employment or participating in other programs that are approved  
717 by the department. The inmate shall reside at a department-  
718 approved residence while retaining status as an inmate in the  
719 supervised reentry program.

720 1. An inmate may participate in the supervised reentry  
721 program only during the last 14 months of his or her  
722 confinement.

723 2. An inmate may participate in the supervised reentry  
724 program only after residing at a work release center for at  
725 least 6 months.

591-03243-11

20111334c1

726 3. Supervised reentry program participants must comply with  
727 reporting, drug testing, and other requirements established by  
728 the department.

729 4. An inmate who fails to abide by the conditions set forth  
730 in the supervised reentry program is subject to removal from the  
731 program and to disciplinary action.

732 5. An inmate in the supervised reentry program may travel  
733 to and from his or her department-approved activities only by  
734 means of transportation approved by the department.

735 6. The inmate must pay the department for the cost of his  
736 or her supervision in accordance with rules set forth by the  
737 department. The inmate shall also pay the cost of any treatment  
738 program in which he or she is participating.

739 7. An inmate is subject to the rules of conduct established  
740 by the department and, after a violation, may have sanctions  
741 imposed against him or her, including loss of privileges,  
742 restrictions, disciplinary confinement, forfeiture of gain-time  
743 or the right to earn gain-time in the future, and program  
744 termination.

745 8. An inmate participating in the supervised reentry  
746 program may not be included in the bed count for purposes of  
747 determining total capacity as defined in s. 944.023(1).

748 9. The department shall adopt rules for the operation of  
749 the supervised reentry program.

750 (2) In order for participating inmates to acquire  
751 meaningful work skills and develop an employment history, the  
752 department is encouraged to approve an inmate's participation in  
753 paid employment programs under paragraphs (1)(b)-(d) in such a  
754 manner that the inmate moves into the community not less than 6

591-03243-11

20111334c1

755 months before the expiration of the inmate's sentence.

756 (3)~~(2)~~ Each inmate who demonstrates college-level aptitudes  
757 by satisfactory evidence of successful completion of college-  
758 level academic coursework may be provided the opportunity to  
759 participate in college-level academic programs that ~~which~~ may be  
760 offered at community colleges or universities. The inmate is  
761 personally responsible for the payment of all student fees  
762 incurred.

763 (4)~~(3)~~ The department may adopt regulations as to the  
764 eligibility of inmates for the extension of confinement, the  
765 disbursement of any earnings of these inmates, or the entering  
766 into of agreements between itself and any city or county or  
767 federal agency for the housing of these inmates in a local place  
768 of confinement. However, a ~~ne~~ person convicted of sexual battery  
769 pursuant to s. 794.011 is not eligible for any extension of the  
770 limits of confinement under this section.

771 (5)~~(4)~~ The willful failure of an inmate to remain within  
772 the extended limits of his or her confinement or to return  
773 within the time prescribed to the place of confinement  
774 designated by the department is ~~shall be deemed as~~ an escape  
775 from the custody of the department and is ~~shall be~~ punishable as  
776 prescribed by law.

777 (6)~~(5)~~ ~~The provisions of~~ This section does ~~shall~~ not be  
778 ~~deemed to~~ authorize any inmate who has been convicted of any  
779 murder, manslaughter, sexual battery, robbery, arson, aggravated  
780 assault, aggravated battery, kidnapping, escape, breaking and  
781 entering with intent to commit a felony, or aircraft piracy, or  
782 any attempt to commit the aforementioned crimes, to attend any  
783 classes at any state community college or any university that

591-03243-11

20111334c1

784 ~~which~~ is a part of the State University System.

785 (7)~~(6)~~(a) The department shall require inmates working at  
786 paid employment as provided in paragraph (1)(b) or paragraph  
787 (1)(d) to use a portion of the employment proceeds to provide  
788 restitution to the aggrieved party for the damage or loss caused  
789 by the offense of the inmate, in an amount to be determined by  
790 the department, unless the department finds clear and compelling  
791 reasons not to order such restitution. If restitution or partial  
792 restitution is not ordered, the department shall state on the  
793 record in detail the reasons therefor.

794 (b) An offender who is required to provide restitution or  
795 reparation may petition the circuit court to amend the amount of  
796 restitution or reparation required or to revise the schedule of  
797 repayment established by the department or the Parole  
798 Commission.

799 (8)~~(7)~~ The department shall document and account for all  
800 forms for disciplinary reports for inmates placed on extended  
801 limits of confinement, which shall include, but are not ~~be~~  
802 limited to, all violations of rules of conduct, the rule or  
803 rules violated, the nature of punishment administered, the  
804 authority ordering such punishment, and the duration of time  
805 during which the inmate was subjected to confinement.

806 (9)~~(8)~~(a) The department may ~~is authorized to~~ levy fines  
807 only through disciplinary reports and only against inmates  
808 placed on extended limits of confinement. Major and minor  
809 infractions and their respective punishments for inmates placed  
810 on extended limits of confinement shall be defined by the rules  
811 of the department, provided that a ~~any~~ fine may ~~shall~~ not exceed  
812 \$50 for each infraction deemed to be minor and \$100 for each

591-03243-11

20111334c1

813 infraction deemed to be major. Such fines shall be deposited in  
814 the General Revenue Fund, and a receipt shall be given to the  
815 inmate.

816 (b) When the chief correctional officer determines that a  
817 fine would be an appropriate punishment for a violation of the  
818 rules of the department, both the determination of guilt and the  
819 amount of the fine shall be determined by the disciplinary  
820 committee pursuant to the method prescribed in s. 944.28(2)(c).

821 (c) The department shall adopt ~~develop~~ rules defining the  
822 policies and procedures for the administering of such fines.

823 Section 3. Nonviolent offender reentry program.—

824 (1) As used in this section, the term:

825 (a) "Department" means the Department of Corrections.

826 (b) "Nonviolent offender" means an offender who has:

827 1. Been convicted of a third-degree felony offense that is  
828 not a forcible felony as defined in s. 776.08, Florida Statutes;  
829 and

830 2. Not been convicted of any offense that requires a person  
831 to register as a sexual offender pursuant to s. 943.0435,  
832 Florida Statutes.

833 (2) (a) The department shall develop and administer a  
834 reentry program for nonviolent offenders. The reentry program  
835 must include prison-based substance abuse treatment, general  
836 education development and adult basic education courses,  
837 vocational training, training in decisionmaking and personal  
838 development, and other rehabilitation programs.

839 (b) The reentry program is intended to divert nonviolent  
840 offenders from long periods of incarceration when a reduced  
841 period of incarceration followed by participation in intensive

591-03243-11

20111334c1

842 substance abuse treatment and rehabilitative programming could  
843 produce the same deterrent effect, rehabilitate the offender,  
844 and reduce recidivism.

845 (c) The nonviolent offender shall serve at least 120 days  
846 in the reentry program. The offender may not count any portion  
847 of his or her sentence served before placement in the reentry  
848 program as progress toward program completion.

849 (d) A reentry program may be operated in a secure area in  
850 or adjacent to an adult institution.

851 (3) (a) Upon receiving a potential reentry program  
852 participant, the department shall screen the nonviolent offender  
853 for eligibility criteria to participate in the reentry program.  
854 In order to participate, a nonviolent offender must have served  
855 at least one-half of his or her original sentence and must have  
856 been identified as having a need for substance abuse treatment.  
857 When screening a nonviolent offender, the department shall  
858 consider the offender's criminal history and the possible  
859 rehabilitative benefits that substance abuse treatment,  
860 educational programming, vocational training, and other  
861 rehabilitative programming might have on the offender.

862 (b) If a nonviolent offender meets the eligibility criteria  
863 and space is available in the reentry program, the department  
864 shall request the sentencing court to approve the offender's  
865 participation in the reentry program.

866 (c)1. The department shall notify the state attorney that  
867 the offender is being considered for placement in the reentry  
868 program. The notice must explain to the state attorney that a  
869 proposed reduced period of incarceration, followed by  
870 participation in substance abuse treatment and other

591-03243-11

20111334c1

871 rehabilitative programming, could produce the same deterrent  
872 effect otherwise expected from a lengthy incarceration.

873 2. The notice must also state that the state attorney may  
874 notify the sentencing court in writing of any objection the  
875 state attorney might have if the nonviolent offender is placed  
876 in the reentry program. The state attorney must notify the  
877 sentencing court of his or her objections within 14 days after  
878 receiving the notice.

879 (d) The sentencing court shall notify the department in  
880 writing of the court's decision to approve or disapprove the  
881 requested placement of the nonviolent offender no later than 28  
882 days after the court receives the department's request to place  
883 the offender in the reentry program. Failure to notify the  
884 department of the court's decision within the 28-day period  
885 constitutes approval to place the offender into the reentry  
886 program.

887 (4) After the nonviolent offender is admitted into the  
888 reentry program, he or she shall undergo a full substance abuse  
889 assessment to determine his or her substance abuse treatment  
890 needs. The offender shall also have an educational assessment,  
891 which shall be accomplished using the Test of Adult Basic  
892 Education or any other testing instrument approved by the  
893 Department of Education. Each offender who has not obtained a  
894 high school diploma shall be enrolled in an adult education  
895 program designed to aid the offender in improving his or her  
896 academic skills and earn a high school diploma. Further  
897 assessments of the offender's vocational skills and future  
898 career education shall be provided to the offender as needed. A  
899 periodic reevaluation shall be made in order to assess the

591-03243-11

20111334c1

900 progress of each offender.

901 (5) (a) If a nonviolent offender becomes unmanageable, the  
902 department may revoke the offender's gain-time and place the  
903 offender in disciplinary confinement in accordance with  
904 department rule. Except as provided in paragraph (b), the  
905 offender shall be readmitted to the reentry program after  
906 completing the ordered discipline. Any period of time during  
907 which the offender is unable to participate in the reentry  
908 program shall be excluded from the specified time requirements  
909 in the reentry program.

910 (b) The department may terminate an offender from the  
911 reentry program if:

912 1. The offender commits or threatens to commit a violent  
913 act;

914 2. The department determines that the offender is unable to  
915 participate in the reentry program due to the offender's medical  
916 condition;

917 3. The offender's sentence is modified or expires;

918 4. The department reassigns the offender's classification  
919 status; or

920 5. The department determines that removing the offender  
921 from the reentry program is in the best interest of the offender  
922 or the security of the institution.

923 (6) (a) The department shall submit a report to the court at  
924 least 30 days before the nonviolent offender is scheduled to  
925 complete the reentry program. The report must describe the  
926 offender's performance in the reentry program. If the  
927 performance is satisfactory, the court shall issue an order  
928 modifying the sentence imposed and place the offender on drug



591-03243-11

20111334c1

929 offender probation subject to the offender's successful  
930 completion of the remainder of the reentry program. The term of  
931 drug offender probation may include placement in a community  
932 residential or nonresidential substance abuse treatment facility  
933 under the jurisdiction of the department or the Department of  
934 Children and Family Services or any public or private entity  
935 providing such services. If the nonviolent offender violates the  
936 conditions of drug offender probation, the court may revoke  
937 probation and impose any sentence that it might have originally  
938 imposed.

939 (b) If an offender being released pursuant to paragraph (a)  
940 intends to reside in a county that has established a  
941 postadjudicatory drug court program as described in s. 397.334,  
942 Florida Statutes, the sentencing court may require the offender  
943 to successfully complete the postadjudicatory drug court program  
944 as a condition of drug offender probation. The original  
945 sentencing court shall relinquish jurisdiction of the offender's  
946 case to the postadjudicatory drug court program until the  
947 offender is no longer active in the program, the case is  
948 returned to the sentencing court due to the offender's  
949 termination from the program for failure to comply with the  
950 terms thereof, or the offender's sentence is completed. If  
951 transferred to a postadjudicatory drug court program, the  
952 offender shall comply with all conditions and orders of the  
953 program.

954 (7) The department shall implement the reentry program to  
955 the fullest extent feasible within available resources.

956 (8) The department shall submit an annual report to the  
957 Governor, the President of the Senate, and the Speaker of the

591-03243-11

20111334c1

958 House of Representatives detailing the extent of implementation  
959 of the reentry program and outlining future goals and any  
960 recommendation the department has for future legislative action.

961 (9) The department may enter into performance-based  
962 contracts with qualified individuals, agencies, or corporations  
963 for the provision of any or all of the services for the reentry  
964 program.

965 (10) A nonviolent offender in the reentry program is  
966 subject to rules of conduct established by the department and  
967 may have sanctions imposed, including loss of privileges,  
968 restrictions, disciplinary confinement, alteration of release  
969 plans, or other program modifications in keeping with the nature  
970 and gravity of the program violation. Administrative or  
971 protective confinement, as necessary, may be imposed.

972 (11) The department may establish a system of incentives  
973 within the reentry program which the department may use to  
974 promote participation in rehabilitative programs and the orderly  
975 operation of institutions and facilities.

976 (12) The department shall develop a system for tracking  
977 recidivism, including, but not limited to, rearrests and  
978 recommitment of nonviolent offenders who successfully complete  
979 the reentry program, and shall report the recidivism rate in its  
980 annual report of the program.

981 (13) The department shall adopt rules pursuant to ss.  
982 120.536(1) and 120.54, Florida Statutes, to administer the  
983 reentry program.

984 Section 4. Paragraph (b) of subsection (4) of section  
985 944.275, Florida Statutes, is amended to read:

986 944.275 Gain-time.-

591-03243-11

20111334c1

987 (4)

988 (b) For each month in which an inmate works diligently,  
989 participates in training, uses time constructively, or otherwise  
990 engages in positive activities, the department may grant  
991 incentive gain-time in accordance with this paragraph. The rate  
992 of incentive gain-time in effect on the date the inmate  
993 committed the offense which resulted in his or her incarceration  
994 shall be the inmate's rate of eligibility to earn incentive  
995 gain-time throughout the period of incarceration and shall not  
996 be altered by a subsequent change in the severity level of the  
997 offense for which the inmate was sentenced.

998 1. For sentences imposed for offenses committed prior to  
999 January 1, 1994, up to 20 days of incentive gain-time may be  
1000 granted. If granted, such gain-time shall be credited and  
1001 applied monthly.

1002 2. For sentences imposed for offenses committed on or after  
1003 January 1, 1994, and before October 1, 1995:

1004 a. For offenses ranked in offense severity levels 1 through  
1005 7, under s. 921.0012 or s. 921.0013, up to 25 days of incentive  
1006 gain-time may be granted. If granted, such gain-time shall be  
1007 credited and applied monthly.

1008 b. For offenses ranked in offense severity levels 8, 9, and  
1009 10, under s. 921.0012 or s. 921.0013, up to 20 days of incentive  
1010 gain-time may be granted. If granted, such gain-time shall be  
1011 credited and applied monthly.

1012 3. For sentences imposed for offenses committed on or after  
1013 October 1, 1995, the department may grant up to 10 days per  
1014 month of incentive gain-time, except that no prisoner is  
1015 eligible to earn any type of gain-time in an amount that would

591-03243-11

20111334c1

1016 cause a sentence to expire, end, or terminate, or that would  
1017 result in a prisoner's release, prior to serving a minimum of 85  
1018 percent of the sentence imposed. For purposes of this  
1019 subparagraph, credits awarded by the court for time physically  
1020 incarcerated shall be credited toward satisfaction of 85 percent  
1021 of the sentence imposed. Except as provided by this section, a  
1022 prisoner shall not accumulate further gain-time awards at any  
1023 point when the tentative release date is the same as that date  
1024 at which the prisoner will have served 85 percent of the  
1025 sentence imposed. State prisoners sentenced to life imprisonment  
1026 shall be incarcerated for the rest of their natural lives,  
1027 unless granted pardon or clemency.

1028 4. For sentences imposed for offenses committed on or after  
1029 October 1, 2011, the department may grant up to 10 days per  
1030 month of incentive gain-time, except that a prisoner is not  
1031 eligible to earn gain-time in an amount that would cause a  
1032 sentence to expire, end, or terminate, or would result in a  
1033 prisoner's release, before serving the following minimum  
1034 percentage of sentence imposed:

1035 a. Ninety-two percent of the sentenced imposed for a  
1036 prisoner sentenced for committing a violent offense and who has  
1037 one or more prior felony convictions.

1038 b. Eighty-seven percent of the sentenced imposed for a  
1039 prisoner sentenced for committing a violent offense and who has  
1040 no prior felony convictions.

1041 c. Eighty-five percent of the sentenced imposed for a  
1042 prisoner sentenced for committing a nonviolent offense and who  
1043 has one or more prior felony convictions.

1044 d. Sixty-five percent of the sentenced imposed for a

591-03243-11

20111334c1

1045 prisoner sentenced for committing a nonviolent offense and who  
1046 has no prior felony convictions.

1047  
1048 For the purposes of this subparagraph, the term "violent  
1049 offense" has the same meaning as the term "forcible felony" as  
1050 defined in s. 776.08.

1051 Section 5. For the purpose of incorporating the amendment  
1052 made by this act to section 944.275, Florida Statutes, in a  
1053 reference thereto, paragraph (k) of subsection (4) of section  
1054 775.084, Florida Statutes, is reenacted to read:

1055 775.084 Violent career criminals; habitual felony offenders  
1056 and habitual violent felony offenders; three-time violent felony  
1057 offenders; definitions; procedure; enhanced penalties or  
1058 mandatory minimum prison terms.-

1059 (4)

1060 (k)1. A defendant sentenced under this section as a  
1061 habitual felony offender, a habitual violent felony offender, or  
1062 a violent career criminal is eligible for gain-time granted by  
1063 the Department of Corrections as provided in s. 944.275(4)(b).

1064 2. For an offense committed on or after October 1, 1995, a  
1065 defendant sentenced under this section as a violent career  
1066 criminal is not eligible for any form of discretionary early  
1067 release, other than pardon or executive clemency, or conditional  
1068 medical release granted pursuant to s. 947.149.

1069 3. For an offense committed on or after July 1, 1999, a  
1070 defendant sentenced under this section as a three-time violent  
1071 felony offender shall be released only by expiration of sentence  
1072 and shall not be eligible for parole, control release, or any  
1073 form of early release.

591-03243-11

20111334c1

1074

Section 6. This act shall take effect October 1, 2011.